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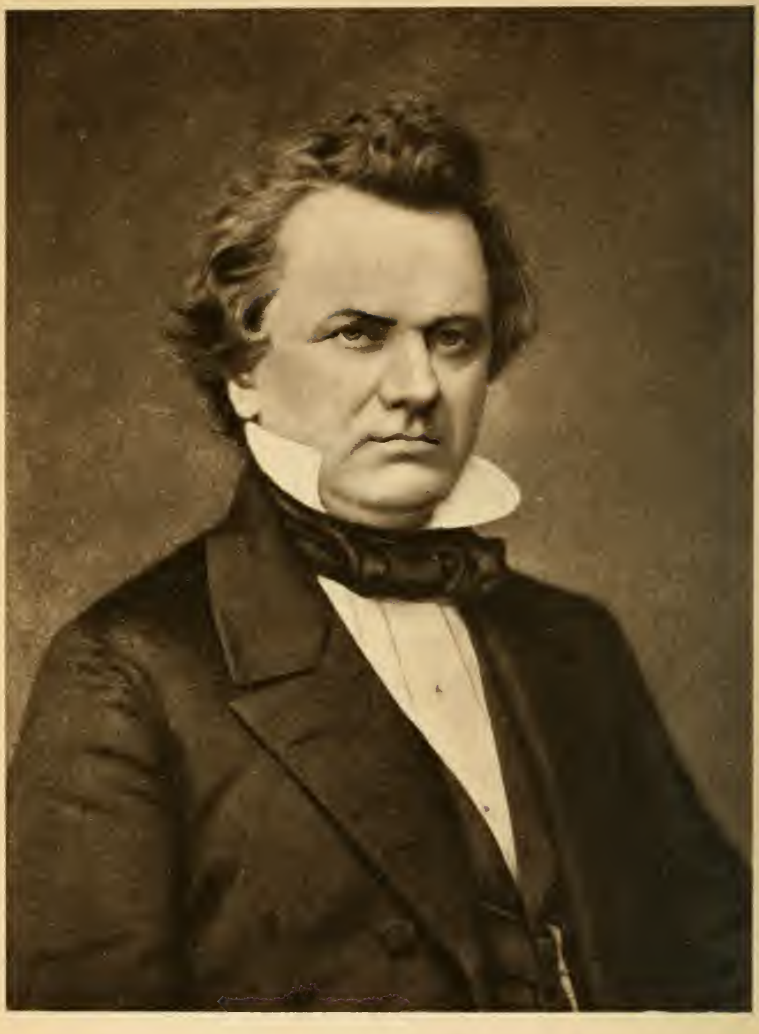

Statesman Edition

Vol. V

Charles Sumner

HIS COMPLETE WORKS

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With Introduction

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THE ANTISLAVERY ENTERPRISE:

ITS NECESSITY, PRACTICABILITY, AND DIGNITY;

WITH GLANCES AT

THE SPECIAL DUTIES OF THE NORTH.

ADDRESS BEFORE THE PEOPLE OF NEW YORK, AT THE METROPOLITAN THEATRE, MAY 9, 1855.

The principles of true politics are those of morality enlarged; and I neither now do nor ever will admit of any other. — BURKE, *Letter to the Bishop of Chester: Correspondence*, Vol. I. p. 332.

True politics I look on as a part of moral philosophy, which is nothing but the art of conducting men right in society, and supporting a community amongst its neighbors. — JOHN LOCKE, *Letter to the Earl of Peterborough: Life, by Lord King*, Vol. I. p. 9.

Malus usus abolendus est. — LAW MAXIM.

All things whatsoever ye would that men should do to you, do ye even so to them; for this is the Law and the Prophets. — MATTHEW, viii. 12.

You have among you many a purchased slave,
Which, like your asses, and your dogs, and mules,
You use in abject and in slavish parts,
Because you bought them.

SHAKESPEARE, *Merchant of Venice.*

From Guinea's coast pursue the lessening sail,
And catch the sounds that sadden every gale.
Tell, if thou canst, the sum of sorrows there;
Mark the fixed gaze, the wild and frenzied glare,
The racks of thought, and freezings of despair!
But pause not then, — beyond the western wave,
Go, view the captive bartered as a slave!

ROGERS, *Pleasures of Memory.*

Through the influence of the late Dr. James W. Stone, an indefatigable Republican, a course of lectures was organized in Boston especially for the discussion of Slavery. This course marks the breaking of the seal on the platform. Mr. Sumner undertook to open this course, which was to begin in the week after his address before the Mercantile Library Association; but he was prevented by sudden disability from a cold. His excuse was contained in the following letter.

"Hancock Street, 23d November, 1854.

"My dear Sir, — An unkindly current of air is often more penetrating than an arrow. From such a shaft I suffered on the night of my address to the Mercantile Library Association, more than a week ago, and no care or skill has been efficacious to relieve me. I am admonished alike by painful consciousness and by the good physician into whose hands I have fallen, that I am not equal to the service I have undertaken on Thursday evening.

"Fitly to inaugurate that course of lectures would task the best powers in best health of any man. Most reluctantly, but necessarily, I must lose sight of the inspiring company there assembled in the name of Freedom to sit in judgment on Slavery, and postpone till some other opportunity what I had hoped to say. You, who know the effort I have made to rally for this occasion, will appreciate my personal disappointment.

"It is my habit to keep my engagements. Not for a single day have I been absent from my seat in the Senate during the three sessions in which duty has called me there; and never before, in the course of numerous undertakings to address public bodies, at different times and in different places, has there been any failure through remissness or disability on my part.

"Pardon these allusions, which I make that you may better understand my feelings, now that I am compelled to depart for the moment from a cherished rule of fidelity.

"Ever faithfully yours,

"Charles Sumner.

"Dr. Stone."

Failing to open the course, Mr. Sumner closed it, on his return from Washington in the spring, with the following address, which he was called to repeat in the same hall a few days later. Yielding to friendly pressure, he consented to repeat it at several places in New York, among which was Auburn, the residence of Mr. Seward, by whom he was introduced to the audience in the following words.

"Fellow-Citizens, — A dozen years ago I was honored by being chosen to bring my neighbors residing here to the acquaintance of a statesman of

Massachusetts who was then directing the last energies of an illustrious life to the removal of the crime of Human Slavery from the soil of our beloved country, — a statesman whose course I had chosen for my own guidance, — John Quincy Adams,' the old man eloquent.'

"He has ascended to heaven; you and I yet remain here, in the field of toil and duty. And now, by a rare felicity, I have your instructions to present to you another statesman of Massachusetts, him on whose shoulders the mantle of the departed one has fallen, and who more than any other of the many great and virtuous citizens of his native Commonwealth illustrates the spirit of the teacher whom, like us, he venerated and loved so much, — a companion and friend of my own public labors, — the *young* 'man eloquent,' — Charles Sumner."

In the city of New York the same address formed the last of an Antislavery course. It was delivered in the Metropolitan Theatre, before a crowded audience, May 9, 1855. Mr. Sumner had never before spoken in New York. He was introduced by Hon. William Jay, in the following words.

"Ladies and Gentlemen, — I have been requested, on the part of the Society, to perform the pleasing, but unnecessary, office of introducing to you the honored and well-known advocate of Justice, Humanity, and Freedom, Charles Sumner. It is not for his learning and eloquence that I commend him to your respectful attention; for learning, eloquence, and even theology itself, have been prostituted in the service of an institution well described by John Wesley as the sum of all villanies. I introduce him to you as a Northern Senator on whom Nature has conferred the unusual gift of a backbone, — a man who, standing erect on the floor of Congress, amid creeping things from the North, with Christian fidelity denounces the stupendous wickedness of the Fugitive Law and the Nebraska Perfidy, and in the name of Liberty, Humanity, and Religion demands the repeal of those most atrocious enactments. May the words he is about to utter be impressed on your consciences and influence your conduct."

The reception of the address attested the change in the public mind. Frederick Douglass, who was present, wrote: —

"Metropolitan Theatre was literally packed, and, for two hours and a half, the vast audience, with attention unwearied, and with interest rising with every sentence which dropped from the speaker, indorsed sentiments which many of the same parties would five years ago have stoned any one for uttering."

The *Tribune* said: —

"Mr. Sumner's speech last night was the greatest oratorical and logical success of the year, and was most enthusiastically praised by the largest audience yet gathered in New York to hear a lecture."

The interest was such, that he was constrained, much against his own disposition, to repeat it in Brooklyn, where he was introduced by Rev. Henry Ward Beecher, and then again at Niblo's Theatre, New York, where he was introduced by Joseph Blunt, Esq. The concluding words of Mr. Beecher were as follows.

"I am to introduce to you a statesman who follows a long train of representatives and statesmen who were false to the North, false to Liberty; and then they made a complaint that there was no North! It was because the North lost faith in her recreant children. It lost faith in its traitors, and not in Liberty. But now, if the haughty Southerners wish to engage in any more conflicts of this kind, I think they will have to find some other than the speaker to-night with whom to break a lance. [*Loud cheers.*] I do not wish merely to introduce to you the 'honorable gentleman' sent from Massachusetts as a United States Senator; my wish is to do better than that; I wish to introduce to you the MAN, — CHARLES SUMNER. [*Loud applause.*]"

The *Tribune* spoke thus of these meetings: —

"That a lecture should be repeated in New York is a rare occurrence. That a lecture on Antislavery should be repeated in New York, even before a few despised 'fanatics,' is an unparalleled occurrence. But that an Antislavery lecture should be repeated night after night to successive multitudes, each more enthusiastic than the last, marks the epoch of a revolution in popular feeling; it is an era in the history of Liberty. Niblo's Theatre was crowded last evening long before the hour of commencement. Hundreds stood through the three hours' lecture. We give a full report of the words, but only of the words."

Other newspapers were enthusiastic in their comments.

The *National Era*, at Washington, in printing the address, said of its delivery in Metropolitan Hall: —

"Mr. Sumner closed, as he had continued, amid loud and protracted applause. Especially at the point when he said that the Fugitive Slave Bill must be made a dead letter, the audience seemed wild with enthusiasm. Handkerchiefs waved from fair hands, and reporters almost forgot their stolid unconcern."

Such extracts might be multiplied. Beyond these was the testimony of individuals gratified at the hearing obtained for cherished sentiments. One wrote from Philadelphia as follows.

"I cannot forbear, not for your gratification, but for my own, to testify my unbounded sympathy and satisfaction in the Three Days' Ovation of May that you have enjoyed in New York, in reward of your faithful sentinelship on the ramparts of Liberty in that sin-beleaguered fortress, the Capitol at Washington, faithfully supporting the cause of the weak against

insolence and haughty vulgarity. . . . . You have gloriously and faithfully withstood obloquy and reproach: the hour of triumph is now well assured."

Another wrote from Albany: —

"I have never read anything so magnificent as your Lecture in the *Independent*. How I wish I could have heard it! Letters from judges in such matters inform me that no speech in New York for many years has produced such a sensation."

Count Gurowski, writing from Brattleboro', Vermont, expressed his enthusiastic sympathy, and at the same time predicted the adverse feeling among slavemasters.

"I have just finished the reading of your admirable Oration. I am *en extase*. I was near to cry. . . . . But you have thrown the gauntlet once more to the 'gentlemen from the South,' bravely, decidedly, and pitilessly. Do not be astonished, if they shall send you, covered with laurels as you are, to Coventry. This undoubtedly they will do."

These extracts show something of public sentiment at this stage of the great contest with Slavery. From this time forward the discussion broadened and deepened.

ADDRESS.

HISTORY abounds in vicissitudes. From weakness and humility, men ascend to power and place. From defeat and disparagement, enterprises are borne on to recognition and triumph. The martyr of to-day is gratefully enshrined on the morrow. The stone that the builders rejected is made head of the corner. Thus it always has been, and ever will be.

Only twenty years ago, in 1835, the friends of the slave in our country were weak and humble, while their great undertaking, just then showing itself, was trampled down and despised. Small companies, gathered together in the name of Freedom, were interrupted and often dispersed by riotous mobs. At Boston, a feeble association of women, called the Female Antislavery Society, sitting in a small room of an upper story in an obscure building, was insulted and then driven out of doors by a frantic crowd, politely termed at the time "gentlemen of property and standing," which, after various deeds of violence and vileness, next directed itself upon William Lloyd Garrison, — known as the determined editor of the "Liberator," and originator of the Antislavery Enterprise in our day, — then ruthlessly tearing him away, amidst savage threats and with a halter about his neck, dragged him through the

streets, until, at last, guilty only of loving liberty, if not wisely, too well, this unoffending citizen was thrust into the common jail for protection against an infuriate populace. Nor was Boston alone. Even villages in remote rural solitude broke out in similar outrage, — while large towns, like Providence, New Haven, Utica, Worcester, Alton, Cincinnati, Baltimore, Philadelphia, and New York, became so many fiery craters overflowing with rage and madness. What lawless violence failed to accomplish was urged next through forms of law. By solemn legislative acts, the Slave States called on the Free States "promptly and effectually to suppress all those associations within their respective limits purporting to be Abolition Societies";[1] and Rhode Island, Massachusetts, and New York basely hearkened to the base proposition. The press, too, with untold power, exerted itself in this behalf, while pulpit, politician, and merchant conspired to stifle discussion, until the voice of Freedom was hushed to a whisper, "alas! almost afraid to know itself."

Since then, in the lapse of few years only, a change has taken place. Instead of those small companies, counted by tens, we have now this mighty assembly, counted by thousands; instead of an insignificant apartment, like that in Boston, the mere appendage of a printing-office, where, as in the manger itself, Truth was cradled, we have this Metropolitan Hall, ample in proportion and central in place; instead of a profane and clamorous mob, beating at our gates, dispersing our

[1] Resolutions of the Legislature of South Carolina, December 16, 1835. See also Resolutions of the Legislature of North Carolina, December 19, 1835; of Georgia, December 22, 1835; of Alabama, January 7, 1836; and of Virginia, February 16, 1836. Massachusetts Senate Documents, Sess. 1836, No. 56.

assembly, and making one of our number the victim of its fury, we have peace and harmony at unguarded doors, ruffled only by generous competition to participate in this occasion; while Legislatures openly declare their sympathies, villages, towns, and cities vie in the new manifestation, and the press itself, with increased power, heralds, applauds, and extends the prevailing influence, which, gushing from every fountain, and pouring through every channel, at last, by quickening power of pulpit, politician, and merchant, swells into an irresistible tide.

Here is a great change, worthy of notice and memory, for it attests the first stage of victory. Slavery, in all its many-sided wrong, still continues; but here in this metropolis — ay, Sir, and throughout the whole North — freedom of discussion is at length secured. And this, I say, is the first stage of victory, — herald of the transcendent future.

> "Hark! a glad voice the lonely desert cheers:
> Prepare the way! a God, a God appears!
> A God! a God! the vocal hills reply:
> The rocks proclaim the approaching Deity."

Nor is there anything peculiar in the trials to which our cause has been exposed. Thus in all ages is Truth encountered. At first persecuted, gagged, silenced, crucified, she cries out from the prison, the rack, the stake, the cross, until at last her voice is heard. And when that voice is really heard, whether in martyr cries, or in earthquake tones of civil convulsion, or in the calmness of ordinary speech, such as I now employ, or in that still, small utterance inaudible to the common ear, then is the beginning of victory! "Give me where to stand and I will move the world," said Archimedes; and Truth asks no more than did the master of geometry.

Viewed in this aspect, the present occasion rises above any ordinary course of lectures or series of political meetings. It is the inauguration of Freedom. From this time forward, her voice of warning and command cannot be silenced. The sensitive sympathies of property, in this commercial mart, may yet again recognize property in man; the watchful press itself may falter or fail; but the vantage-ground of free discussion now achieved cannot be lost. On this I take my stand, and, as from the Mount of Vision, behold the whole field of our great controversy spread before me. There is no point, topic, fact, matter, reason, or argument, touching the question between Slavery and Freedom, which is not now open. From these I might aptly select some one, and confine myself to its development. But I should not in this way best satisfy the seeming requirement of the occasion. According to the invitation of your Committee, I was to make an address introductory to the present course of lectures, but was prevented by ill-health. And now, at the close of the course, I am to say what I failed to say at its beginning. Not as Caucus or as Congress can I address you; nor am I moved to undertake a political harangue or constitutional argument. Out of the occasion let me speak, and, discarding any individual topic, aim to exhibit the entire field, in its divisions and subdivisions, with metes and bounds.

My subject will be THE NECESSITY, PRACTICABILITY, AND DIGNITY OF THE ANTISLAVERY ENTERPRISE, WITH GLANCES AT SPECIAL DUTIES OF THE NORTH. By this enterprise I do not mean the efforts of any restricted circle, sect, or party, but the cause of the slave, in all its forms and under all its names, — whether inspired by

pulpit, press, economist, or politician, — whether in the early, persistent, and comprehensive demands of Garrison, the gentler tones of Channing, or the strictly constitutional endeavors of others now actually sharing the public councils of the country. To carry through this review, under its different heads, I shall not hesitate to meet the objections urged against it, so far at least as I am aware of them. As I speak to you seriously, I venture to ask your serious attention even to the end. Not easily can a public address reach that highest completeness which is found in mingling the useful and the agreeable; but I desire to say that it will be my effort to cultivate that highest courtesy of a speaker which is found in clearness.

I.

I BEGIN with the NECESSITY of the Antislavery Enterprise. In the wrong of Slavery, *as defined by existing law*, this necessity is plainly apparent; nor can any man within the sound of my voice, who listens to the authentic words of the law, hesitate in my conclusion. A wrong so grievous and unquestionable should not be allowed to continue. For the honor of human nature, and the good of all concerned, *it must at once cease.* On this simple statement, as corner-stone, I found the necessity of the Antislavery Enterprise.

I do not dwell, Sir, on the many tales which come from the house of bondage: on the bitter sorrows undergone; on the flesh galled by manacle, or spurting blood beneath the lash; on the human form mutilated by knife, or seared by red-hot iron; on the ferocious scent of blood-hounds in chase of human prey; on the sale of fathers and mothers, husbands and wives, brothers and sisters,

little children, even infants, at the auction block; on the practical prostration of all rights, all ties, and even all hope; on the deadly injury to morals, substituting concubinage for marriage, and changing the whole land of Slavery into a by-word of shame, only fitly pictured by the language of Dante, when he called his own degraded country a House of Ill Fame;[1] and, last of all, on the pernicious influence upon master as well as slave, showing itself too often, even by his own confession, in rudeness of manners and character, and especially in that blindness which renders him insensible to the wrongs he upholds. On these things I do not dwell, although volumes are at hand of unquestionable fact, and also of illustrative story so just and germane as to vie with fact, out of which I might draw, until, like Macbeth, you had "supped full with horrors."

All these I put aside, — not because I do not regard them of moment in exhibiting the true character of Slavery, but because I desire to present this argument on grounds above all controversy, impeachment, or suspicion, even from slave-masters themselves. Not on triumphant story, not even on indisputable fact, do I now accuse Slavery, but on its character, as revealed in its own simple definition of itself. Out of its own mouth do I condemn it. By the *Law of Slavery,* man, created in the image of God, is divested of the human character, and declared to be a mere chattel. That this statement may not seem to be put forward without precise authority, I quote the law of two different States. The Civil Code of Louisiana thus defines a slave: —

"A slave is one who is in the power of a master to whom he belongs. The master may sell him, dispose of his per-

[1] "Ahi serva Italia, ... bordello!" — *Purgatorio,* Canto VI. 76 – 78.

son, his industry, and his labor. He can do nothing, possess nothing, nor acquire anything but what must belong to his master." [1]

The law of another polished Slave State gives this definition: —

"Slaves shall be deemed, sold, taken, reputed, and adjudged in law to be *chattels personal*, in the hands of their owners and possessors, and their executors, administrators, and assigns, to all intents, constructions, and purposes whatsoever." [2]

And a careful writer, Judge Stroud, in a work of juridical as well as philanthropic merit, thus sums up the law: —

"The cardinal principle of Slavery, that the slave is not to be ranked among *sentient beings*, but among *things*, is an article of property, a chattel personal, obtains as undoubted law in all of these [Slave] States." [3]

Sir, this is enough. As out of its small egg crawls forth the slimy, scaly, reptile crocodile, so out of this simple definition crawls forth the whole slimy, scaly, reptile monstrosity by which a man is changed into a chattel, a person is converted into a thing, a soul is transmuted into merchandise. According to this very definition, the slave is held simply for the good of his master, to whose behest his life, liberty, and happiness are devoted, and by whom he may be bartered, leased, mortgaged, bequeathed, invoiced, shipped as cargo, stored as goods, sold on execution, knocked off at public auction, and even staked at the gaming-table on the haz-

1 Civil Code of the State of Louisiana, Art. 35.

2 Statutes at Large of South Carolina, Vol. VII. p. 397, Act No. 670, sec. 1.

3 Sketch of the Laws relating to Slavery in the several States, pp. 22, 23.

ard of a card or die. The slave may seem to have a wife; but he has not, for his wife belongs to his master. He may seem to have a child; but he has not, for his child is owned by his master. He may be filled with desire of knowledge, opening to him the gates of joy on earth and in heaven; but the master may impiously close all these gates. Thus is he robbed, not merely of privileges, but of himself, — not merely of money and labor, but of wife and children, — not merely of time and opportunity, but of every assurance of happiness, — not merely of earthly hope, but of all those divine aspirations that spring from the Fountain of Light. He is not merely restricted in liberty, but totally deprived of it, — not merely curtailed in rights, but absolutely stripped of them, — not merely loaded with burdens, but changed into a beast of burden, — not merely bent in countenance to the earth, but sunk in law to the level of a quadruped, — not merely exposed to personal cruelty, but deprived of his character as a person, — not merely compelled to involuntary labor, but degraded to a rude thing, — not merely shut out from knowledge, but wrested from his place in the human family. *And all this, Sir, is according to the simple Law of Slavery.*

And even this is not all. The law, by cumulative provisions, positively forbids that a slave shall be taught to read. Hear this, fellow-citizens, and confess that no barbarity of despotism, no extravagance of tyranny, no excess of impiety can be more blasphemous or deadly. "Train up a child in the way he should go" is the lesson of Divine Wisdom; but the Law of Slavery boldly prohibits any such training, and dooms the child to hopeless ignorance and degradation. "Let there be light" was the Divine behest at the dawn of Crea-

tion, — and this commandment, travelling with the ages and the hours, still speaks with the voice of God; yet the Law of Slavery says, "Let there be darkness."

But it is earnestly averred that slave-masters are humane, and slaves are treated with kindness. These averments, however, I properly put aside, precisely as I have already put aside the multitudinous illustrations from the cruelty of Slavery. On the simple *letter of the law* I take my stand, and do not go beyond what is there nominated. The masses of men are not better than their laws, and, whatever may be the eminence of individual virtue, it is not reasonable to infer that the body of slave-masters is better than the Law of Slavery. And since this law submits the slave to their irresponsible control, with power to bind and to scourge, to shut the soul from knowledge, to separate families, to unclasp the infant from a mother's breast, and the wife from a husband's arms, it is natural to conclude that such enormities are sanctioned by them, while the supplementary denial of instruction gives conclusive evidence of their full complicity. And this conclusion must exist unquestioned, just so long as the law exists unrepealed. Cease, then, to blazon the humanity of slave-masters. Tell me not of the lenity with which this cruel law is tempered to its unhappy subjects. Tell me not of the sympathy which overflows from the mansion of the master to the cabin of the slave. In vain you assert these instances. In vain you show that there are individuals who do not exert the wickedness of the law. The law still endures. Slavery, which it defines and upholds, continues to outrage Public Opinion, and, within the limits of our Republic, more than three millions of human beings, guilty only of a skin

not colored like your own, are left the victims of its unrighteous, irresponsible power.

Power divorced from right is devilish; power without the check of responsibility is tyrannical; and I need not go back to the authority of Plato, when I assert that the most complete injustice is that erected into the form of law. But all these things concur in Slavery. It is, then, on the testimony of slave-masters, solemnly, legislatively, judicially attested in the very law itself, that I now arraign this institution as an outrage upon man and his Creator. And herein is the necessity of the Antislavery Enterprise. A wrong so transcendent, so loathsome, so direful, must be encountered, *wherever it can be reached;* and the battle must be continued without truce or compromise, until the field is entirely won. Freedom and Slavery can hold no divided empire; nor can there be any true repose, until Freedom is everywhere established.

To the *necessity* of the Antislavery Enterprise there are two, and only two, main objections, — one founded on the alleged distinction of race, and the other on the alleged sanction of Christianity. All other objections are of inferior character, or are directed logically at its *practicability.* Of these two main objections let me briefly speak.

1. I begin with the alleged *distinction of race.* This objection assumes two different forms, — one founded on a prophetic malediction in the Old Testament, and the other on professed observations of recent science. Its importance is apparent in the obvious fact, that, unless such distinction be clearly and unmistakably established,

every argument by which our own freedom is vindicated, every applause awarded to the successful rebellion of our fathers, every indignant word ever hurled against the enslavement of white fellow-citizens by Algerine corsairs, must plead trumpet-tongued against the deep damnation of Slavery, black as well as white.

It is said that Africans are the posterity of Ham, son of Noah, through Canaan cursed by Noah, to be the servant of his brethren, and that this malediction has fallen upon all his descendants, including the unhappy Africans, — who are accordingly devoted by God, through unending generations, to unending bondage. Such is the favorite argument at the South, and more than once directly addressed to myself. Here, for instance, is a passage from a letter recently received. "You need not persist," says the writer, "in confounding Japheth's children with Ham's, and making both races one, and arguing on their rights as those of man broadly." And I have been seriously assured, that, until this objection is answered, it will be vain to press my views upon Congress or the country. Listen now to the texts of the Old Testament which are so strangely employed.

"And he [Noah] said, Cursed be Canaan: a servant of servants shall he be unto his brethren. And he said, Blessed be the Lord God of Shem; and Canaan shall be his servant. God shall enlarge Japheth, and he shall dwell in the tents of Shem, and Canaan shall be his servant." [1]

That is all; and I need only read these words in order to expose the whole — transpicuous humbug. I am tempted to add, that, to justify this objection, it is necessary to maintain at least five different propositions, as essential links in the chain of the African slave: *first*,

[1] Genesis, ix. 25–27.

that by this malediction Canaan himself was actually changed into a *chattel*,—whereas he is simply made the servant of his brethren; *secondly*, that not merely Canaan, but all his posterity, to the remotest generation, was so changed,—whereas the language has no such extent; *thirdly*, that the African actually belongs to the posterity of Canaan,—an ethnographical assumption absurdly difficult to establish; *fourthly*, that each descendant of Shem and Japheth has a right to hold an African fellow-man as chattel,—a proposition which finds no semblance of support; and, *fifthly*, that every slave-master is truly descended from Shem or Japheth,—a pedigree which no anxiety or assurance can prove. This plain analysis, which may fitly excite a smile, shows the fivefold absurdity of an attempt to found this revolting wrong on any

> "successive title, long and dark,
> Drawn from the mouldy rolls of Noah's ark." [1]

The small bigotry which finds comfort in these texts has been exalted lately by the voice of Science, undertaking to suggest that the different races of men are not derived from a single pair, but from several distinct stocks, according to their several distinct characteristics; and it is haughtily argued, that the African is so far inferior as to lose all title to that liberty which is the birthright of the lordly white. Now I have neither time nor disposition, on this occasion, to discuss the question of the unity of races; nor is it necessary to my present purpose. It may be that the different races of men proceeded from different stocks; but there is but *one* great Human Family, in which Caucasian and African, Chinese and Indian, are all brothers, children of *one* Father, and

[1] Dryden, Absalom and Achitophel, Part I. 301, 302.

heirs to *one* happiness, — alike on earth and in heaven. "Star-eyed Science" cannot shake this everlasting truth. It may exhibit peculiarities in the African, by which he is distinguishable from the Caucasian. In his physical form and intellectual character it may presume to find the stamp of permanent inferiority. But by no reach of learning, no torture of fact, no effrontery of dogma, can any science show that he is not *a man.* And as a man he stands before you an unquestionable member of the Human Family, entitled to *all the rights of man.* You can claim nothing for yourself, *as man,* which you must not accord to him. *Life, liberty, and the pursuit of happiness,* which you proudly declare to be your own inalienable, God-given rights, and to the support of which your fathers pledged their lives, fortunes, and sacred honor, are his by the same immortal title that they are yours.

2. From the objection founded on alleged distinction of race, I pass to that other founded on alleged *sanction of Slavery by Christianity.* Striving to be brief, I shall not undertake to reconcile texts often quoted from the Old Testament, which, whatever their import, are all absorbed in the New ; nor shall I stop to consider the precise interpretation of the familiar phrase, *Servants, obey your masters,* nor seek to weigh any such imperfect injunction in the scales against those grand commandments on which hang all the Law and the Prophets. Surely, in the example and teachings of the Saviour, who lifted up the down-trodden, who enjoined purity of life, and overflowed with tenderness even to little children, human ingenuity can find no apology for an institution which tramples on man, which defiles woman, and sweeps

little children beneath the hammer of the auctioneer. If to any one these things seem to have the license of Christianity, it is only because they have first secured a license in his own soul. Men are prone in uncertain, disconnected texts to find confirmation of their own personal prejudices or prepossessions. And I — who am no theologian, but only a simple layman — make bold to say, that whoever finds in the Gospel any sanction of Slavery finds there merely a reflection of himself. On a matter so irresistibly clear authority is superfluous; but an eminent character, who as poet makes us forget his high place as philosopher, and as philosopher makes us forget his high place as theologian, exposes the essential antagonism between Christianity and Slavery in a few pregnant words, which, by recalling the spirit of our Faith, are more satisfactory than whole volumes of ingenious discussion. "By a principle essential to Christianity," says Coleridge, "a *person* is eternally differenced from a *thing;* so that *the idea of a Human Being necessarily excludes the idea of property in that Being.*" [1]

With regret, though not with astonishment, I learn that a Boston divine has sought to throw the seamless garment of Christ over this shocking wrong. But I am patient, and see clearly how vain is his effort, when I call to mind, that, within this very century, other divines in another country sought to throw the same sacred vesture over the more shocking slave-trade, — and that, among many publications, a little book was then put forth by a reverend clergyman, with the title, "The African Trade for Negro Slaves shewn to be consistent with Principles of Humanity and with the Laws

[1] Encyclopædia Metropolitana, First Division, Pure Sciences, Vol. I. p. 32 (ed. 1829, 4to): Preliminary Treatise on Method, Sect. 2, *Dark Ages.*

of Revealed Religion."[1] Thinking of these things, I am ready to say, with Shakespeare, —

> "In religion,
> What damnèd error, but some sober brow
> Will bless it, and approve it with a text?"

In support of Slavery, it is the habit to pervert texts and to invent authority. Even St. Paul is vouched for a wrong which his Christian life rebukes. Much stress is now laid on his example, as it appears in the Epistle to Philemon, written at Rome, and sent by Onesimus, a servant. From the single chapter constituting the entire epistle I take the following ten verses, most strangely invoked for Slavery.

"*I beseech thee for my son Onesimus,* whom I have begotten in my bonds; which in time past was to thee unprofitable, but now profitable to thee and to me; whom I have sent again. Thou, therefore, receive him, that is, mine own bowels: whom I would have retained with me, that in thy stead he might have ministered unto me in the bonds of the gospel; but without thy mind would I do nothing; that thy benefit should not be as it were of necessity, but willingly. For per-

[1] By the Rev. Thomas Thompson, Vicar of Reculver, in Kent, and printed at Canterbury in 1772. Boswell's defence of the Slave-Trade was kindred in character. (Life of Johnson, ed. Croker, London, 1848, Vol. VII. pp. 23, 24, Sept. 23, 1777.) Nothing can be more melancholy than the effort of Capitein the African, who, surrendering to the Dutch influences about him, made himself the apologist of Slavery, in a Latin Dissertation, translated into Dutch, and reprinted four times, entitled "*Dissertatio politico-theologica de Servitute Libertati Christianæ non contraria*, quam sub Præside J. Van den Honert publicæ Disquisitioni subjicit J. E. J. Capitein, Afer, in 4to, Lugduni Batavorum, 1742." In our own country, the Rev. John Beck, of Georgia, dared to preach and print, in 1801, two sermons entitled "The Doctrine of Perpetual Bondage reconcilable with the Infinite Justice of God, a Truth plainly asserted in the Jewish and Christian Scripture." Good men must join in the thanks expressed to Colonel Humphreys by the philanthropist Grégoire, for his exposure of this baseness in his Valedictory Discourse before the Cincinnati of Connecticut. Grégoire, De la Littérature des Nègres, p. 232.

haps he therefore departed for a season that thou shouldest receive him forever; *not now as a servant, but above a servant, a brother beloved,* specially to me, but how much more unto thee, both in the flesh and in the Lord! *If thou count me, therefore, a partner, receive him as myself.* If he hath wronged thee, or oweth thee aught, put that on mine account: I Paul have written it with mine own hand, I will repay it: albeit I do not say to thee how thou owest unto me even thine own self besides." [1]

Out of this affectionate epistle, where St. Paul calls the converted servant, Onesimus, his *son,* precisely as in another epistle he calls Timothy his son, Slavery is elaborately vindicated, and the great Apostle to the Gentiles made the very tutelary saint of the Slave-Hunter. Now, without invoking his real judgment of Slavery from his condemnation on another occasion of "men-stealers," or what I prefer to call *slave-hunters,* in company with "murderers of fathers and murderers of mothers," and without undertaking to show that the present epistle, when truly interpreted, is a protest against Slavery and a voice for Freedom, — all of which might be done, — I content myself with calling attention to two things, apparent on its face, and in themselves an all-sufficient response. *First,* while it appears that Onesimus had been in some way the servant of Philemon, it does not appear that he was ever held as *chattel;* and how gross and monstrous is the effort to derive such a wrong out of words, whether in the Constitution of our country or in the Bible, which do not explicitly, unequivocally, and exclusively define this wrong! *Secondly,* in charging Onesimus with this epistle to Philemon, the Apostle recommends him as "not now a servant, but above a

[1] Epistle to Philemon, 10 - 19.

servant, a brother beloved," and he enjoins upon his correspondent the hospitality due to a freeman, saying expressly, "If thou count me, therefore, a partner, *receive him as myself*": ay, Sir, not as slave, not even as servant, but as brother beloved, even as the Apostle himself. Thus, with apostolic pen, wrote Paul to his disciple, Philemon. In these words of gentleness, benediction, and equal rights, dropping with celestial, soul-awakening power, there can be no justification for a conspiracy, which, beginning with the treachery of Iscariot and the temptation of pieces of silver, seeks, by fraud, brutality, and violence, through officers of the law armed to the teeth, like pirates, and amidst soldiers who degrade their uniform, to hurl a fellow-man back into the lash-resounding den of American Slavery; and when any one thus perverts this beneficent example, allow me to say that he gives too much occasion to doubt his intelligence or his sincerity.

Certainly I am right in stripping from Slavery the apology of Christianity, which it has tenaciously hugged; and here I leave the first part of my subject, asserting, against every objection, the Necessity of our Enterprise.

II.

I AM now brought, in the *second* place, to the PRACTICABILITY of the Enterprise. And here the way is easy. In showing its necessity, I have already demonstrated its practicability; for the former includes the latter, as the greater includes the less. Whatever is necessary must be practicable. By a decree which is a proverb of tyranny, the Israelites were compelled to make bricks with-

out straw; but it is not according to the ways of a benevolent Providence that man should be constrained to do what cannot be done. Besides, the Antislavery Enterprise is right; and the right is always practicable.

I know well the little faith of the world in the triumph of principles, and I readily imagine the despair with which our object is regarded; but not on this account am I disheartened. That exuberant writer, Sir Thomas Browne, breaks into ecstatic wish for some new difficulty in Christian belief, that his faith may have a new victory; and an eminent enthusiast went so far as to say, "I believe because it is impossible," — *Credo quia impossibile.* No such exalted faith is now required. Here is no impossibility; nor is there any difficulty which will not yield to faithful, well-directed endeavor. If to any timid soul the Enterprise seems impossible because it is too beautiful, then do I say at once that it is too beautiful not to be possible.

Descending from these summits, let me show plainly the object it seeks to accomplish; and here you will see and confess its complete practicability. While discountenancing all prejudice of color and every establishment of caste, the Antislavery Enterprise — at least so far as I may speak for it — does not undertake to change human nature, or to force any individual into relations of life for which he is not morally, intellectually, and socially adapted; nor does it necessarily assume that a race, degraded for long generations under the iron heel of bondage, can be taught at once all the political duties of an American citizen. But, Sir, it does confidently assume, against all question, contradiction, or assault whatever, *that every man is entitled to life, liberty, and the pursuit of happiness; and, with equal confidence, it*

asserts that every individual who wears the human form, whether black or white, should be recognized at once as man. When this is done, I know not what other trials may be in wait for the unhappy African; but this I do know, that the Antislavery Enterprise will then have triumphed, and the institution of Slavery, *as defined by existing law,* will no longer shock mankind.

In this work, the first essential, practical requisite is, that the question shall be openly and frankly confronted. Do not put it aside. Do not blink it out of sight. Do not dodge it. Approach it. Study it. Ponder it. Deal with it. Let it rest in the illumination of speech, conversation, and the press. Let it fill the thoughts of the statesman and the prayers of the pulpit. When Slavery is thus regarded, its true character will be recognized, *as a hateful assemblage of unquestionable wrongs under sanction of existing law,* and good men will be moved to apply the remedy. Already even its zealots admit that its "abuses" should be removed. This is their word, not mine. Alas! alas! Sir, it is these very "abuses" that constitute its component parts, without which it would not exist, — even as the scourges in a bundle with the axe constituted the dread fasces of the Roman lictor. Take away these, and the whole embodied outrage disappears. Surely that central assumption — more deadly than axe itself — by which man is changed into a chattel, may be abandoned; and is not this practicable? The associate scourges by which that transcendent "abuse" is surrounded may, one by one, be subtracted. The "abuse" which substitutes concubinage for marriage, the "abuse" which annuls the parental relation, the "abuse" which closes the portals of knowledge, the "abuse" which tyrannically usurps all the labor

of another, now upheld by positive law, may by positive law be abolished. To say that this is not practicable, in the nineteenth century, is a scandal upon mankind, and just in proportion as these "abuses" cease to have the sanction of law will the institution of Slavery cease to exist. The African, whatever may be then his condition, will no longer be the *slave* over whose wrongs and sorrows the world throbs at times fiercely indignant, and at times painfully sad, while with outstretched arms he sends forth the piteous cry, "Am I not a man and a brother?"

In pressing forward to this result, the inquiry is often presented, To what extent, if any, shall compensation be allowed to slave-masters? Clearly, if the point be determined by *absolute justice*, not the masters, but the slaves, are entitled to compensation; for it is the slaves who, throughout weary generations, have been deprived of the fruits of their toil, all constantly enriching their masters. Besides, it seems hardly reasonable to pay for the relinquishment of disgusting "abuses," which, in their aggregation, constitute the bundle of Slavery. Pray, Sir, by what tariff, price-current, or principle of equation, shall their several values be estimated? What sum shall be counted out as the proper price for the abandonment of that pretension — more indecent than the *jus primæ noctis* of the feudal age — which leaves woman, whether in the arms of master or slave, always a concubine? What bribe shall be proffered for restoration of God-given paternal rights? What money shall be paid for taking off the padlock by which souls are fastened down in darkness? How much for a quit-claim to labor now meanly exacted by the strong from the weak? And what compensation shall be awarded

for the egregious assumption, condemned by reason and abhorred by piety, which changes man into a thing? I put these questions without undertaking to pass upon them. Shrinking instinctively from any recognition of *rights founded on wrongs*, I find myself shrinking also from any austere verdict which shall deny any means necessary to the great consummation. Our fathers, under Washington, did not hesitate, by Act of Congress, to appropriate largely for the ransom of white fellow-citizens enslaved by Algerine corsairs; and, following this example, I am disposed to consider the question of compensation as one of expediency, to be determined by the exigency of the hour and the constitutional powers of the Government,—though such is my desire to see the disappearance of Slavery, that I could not hesitate to build a Bridge of Gold, if necessary, for the retreating fiend.

The *Practicability* of the Antislavery Enterprise is constantly questioned, often so superficially as to be answered at once. I shall not take time to consider the allegation, founded on assumptions of economy, which audaciously assumes that Slave Labor is more advantageous than Free Labor, that Slavery is more profitable than Freedom, for this is all exploded by official tables of the census,—nor that other futile argument, that the slaves are not prepared for Freedom, and therefore should not be precipitated into this condition, for this is no better than the ancient Greek folly, where the anxious mother would not allow her son to enter the water until he had learned to swim.

As against the Necessity of the Antislavery Enterprise there were two chief objections, so also against its

Practicability there are two, — the first founded on alleged danger to the master, and the second on alleged damage to the slave himself.

1. The first objection, founded on alleged *danger to the master*, most generally takes the extravagant form, that the slave, if released from his present condition, would "cut his master's throat." Here is a blatant paradox, which can pass for reason only among those who have lost their reason. With absurdity having no parallel except in the defences of Slavery, it assumes that the African, when treated justly, will show a vindictiveness he does not exhibit when treated unjustly, — that, when elevated by the blessings of Freedom, he will develop an appetite for blood never manifested when crushed by the curse of bondage. At present, the slave sees his wife ravished from his arms, — sees his infant swept away to the auction-block, — sees the heavenly gates of knowledge shut upon him, — sees his industry and all its fruits unjustly snatched by another, — sees himself and his offspring doomed to servitude from which there is no redemption; and still his master sleeps secure. Will the master sleep less secure when the slave no longer smarts under these revolting atrocities? I will not trifle with your intelligence, or with the quick-passing hour, by arguing this question.

There is a lofty example, brightening the historic page, by which the seal of experience is affixed to the conclusion of reason; and you would hardly pardon me, if I failed to adduce it. By a single Act of Parliament the slaves of the British West Indies were changed at once to freedmen; and this great transition was accomplished absolutely without personal danger of any

kind to the master. And yet the chance of danger there was greater far than among us. In our broad country the slaves are overshadowed by a more than sixfold white population. Only in two States, South Carolina and Mississippi, do the slaves outnumber the whites, and there not greatly, while in the entire Slave States the whites outnumber the slaves by millions. It was otherwise in the British West Indies, where the whites were overshadowed by a more than sixfold population. The slaves were 800,000, while the whites numbered only 131,000, distributed in different proportions on the different islands. And this disproportion has since increased rather than diminished, always without danger to the whites. In Jamaica, the largest of these possessions, there are now upwards of 400,000 Africans, and only 15,000 whites; in Barbadoes, the next largest, 120,000 Africans, and only 16,000 whites; in St. Lucia, 24,000 Africans, and only 900 whites; in Tobago, 14,000 Africans, and only 160 whites; in Montserrat, 7,000 Africans, and only 150 whites; and in the Grenadines, upwards of 6,000 Africans, and only about 60 whites.[1] And yet the authorities in all these places attest the good behavior of the Africans. Sir Lionel Smith, Governor of Jamaica, in a speech to the Assembly, declares that their conduct "amply proves how well they have deserved the boon of Freedom";[2] the Governor of the Leeward Islands dwells on "the peculiarly rare instances of the commission of grave or sanguinary crimes amongst the emancipated population of

[1] See Parliamentary Papers, 1852, Vol. XXXI.; 1852-53, Vol. LXII.; 1854-55, Vol. XXXVI.; 1856, Vol. LVII.; 1857, Vol. XL.; 1862, Vol. LVII. Also, Davy's West Indies, pp. 65, 200, 245, 277, 412.

[2] Speech at Opening of Assembly, Oct. 30, 1838: Parliamentary Papers, Sess. 1839, Vol. XXXV., No. 107, p. 151.

these islands";[1] and the Queen of England, in a speech from the throne, has announced that the complete and final emancipation of the Africans had "taken place without any disturbance of public order and tranquillity."[2] In this example I find new confirmation of the rule, that the highest safety is in doing right; and thus do I dismiss the objection founded on alleged danger to the master.

2. I am now brought to the second objection, founded on alleged *damage to the slave.* It is common among partisans of Slavery to assert that our Enterprise has actually retarded the cause it seeks to promote; and this paradoxical accusation, which might naturally show itself among the rank weeds of the South, is cherished here on our Northern soil among those who look for any fig-leaf with which to cover indifference or tergiversation.

This peculiar form of complaint is an old device, instinctively employed on other occasions, until it ceases to be even plausible. Thus, throughout all time, has every good cause been encountered. The Saviour was nailed to the cross with a crown of thorns on his head, as a disturber of that peace on earth which he came to declare. The Disciples, while preaching the Gospel of forgiveness and good-will, were stoned as preachers of sedition and discord. The Reformers, who sought to establish a higher piety and faith, were burnt at the stake as blasphemers and infidels. Patriots, in all ages, striving for their country's good, have been doomed to

[1] Despatch from Gov. Higginson to Earl Grey, April 5, 1849: Parliamentary Papers, Sess. 1849. Vol. XXXIV. [No. 1126], p. 219.

[2] Hansard, Parliamentary Debates, 3d Ser. Vol. XLV. col. 4, Feb. 5, 1839.

the scaffold or to exile, even as their country's enemies. Those brave Englishmen, who, at home, under the lead of Edmund Burke, espoused the cause of our fathers, shared the same illogical impeachment, which was touched to the quick by that orator statesman, when, after exposing its essential vice, in "attributing the ill effect of ill-judged conduct to the arguments which had been used to dissuade us from it," he denounced it as "absurd, but very common in modern practice, and very wicked."[1] Ay, Sir, it is common in modern practice. In England it has vainly renewed itself with special frequency against Bible Societies, — against the friends of education, — against the patrons of vaccination, — against the partisans of peace, — all of whom have been openly arraigned as provoking and increasing the very evils, whether of infidelity, ignorance, disease, or war, which they benignly seek to check. To bring an instance precisely applicable to our own, — Wilberforce, when conducting the Antislavery Enterprise of England, first against the Slave-Trade, and then against Slavery itself, was told that those efforts, by which his name is now consecrated forevermore, tended to increase the hardships of the slave, even to the extent of riveting anew his chains. Such are precedents for the imputation to which our Enterprise is exposed; and such, also, are precedents by which I exhibit the fallacy of the imputation.

Sir, I do not doubt that the Enterprise produces heat and irritation, amounting often to inflammation, among slave-masters, which to superficial minds seems inconsistent with success, but which the careful observer

[1] Speech on American Taxation, April 19, 1774: Works (London, 1801), Vol. II. p. 413.

will recognize at once as the natural and not unhealthy effort of a diseased body to purge itself of existing impurities; and just in proportion to the malignity of the concealed poison will be the extent of inflammation. A distemper like Slavery cannot be ejected like a splinter. It is too much to expect that men thus tortured should reason calmly, that patients thus suffering should comprehend the true nature of their case and kindly acknowledge the beneficent cure; but not on this account can it be suspended. Nor, when we consider the character of Slavery, can it be expected that men who sustain it will be tranquil. Conscience has its voice, and will be heard in awful warning hurrying to and fro in the midnight hour. Its outcry is more natural than silence.

In the face of this complaint, I assert that the Antislavery Enterprise has already accomplished incalculable good. Even now it sweeps the national heart, compelling it to emotions of transforming power. All are touched, — the young, the middle-aged, the old. There is a new glow at the household hearth. Mothers, wives, sisters, and daughters are aroused to take part in the great battle. There is a new aspiration for justice on earth, awakening not merely a sentiment against Slavery, such as prevailed with our fathers, but a deep, undying conviction of its wrong, and a determination to leave no effort unattempted for its removal. With the sympathies of all Christendom as allies, already it encompasses the slave-masters by a *moral blockade*, invisible to the eye, but more potent than navies, from which there can be no escape except in final capitulation. Thus it has created the irresistible influence which itself constitutes the beginning of success.

Already are signs of change. In common speech, as well as in writing, among slave-masters, the bondman is no longer called *slave*, but *servant*, — thus, by soft substitution, concealing and condemning the true relation. Newspapers, even in the land of bondage, blush at the hunt of men by bloodhounds, — thus protesting against an unquestionable incident of Slavery. Other signs appear in the added comfort of the slave, — in the enlarged attention to his wants, — in the experiments now beginning, by which the slave is enabled to share in the profits of his labor, and thus finally secure his freedom, — and, above all, in the consciousness among slave-masters that they dwell now, as never before, under the keen observation of an ever-wakeful Public Opinion, quickened by an ever-wakeful Public Press. Nor is this all. Only lately propositions were introduced into the Legislatures of different States, and countenanced by Governors, to mitigate the existing Law of Slavery; and almost while speaking, I have received drafts of two different memorials, one to the Legislature of Virginia, and the other to that of North Carolina, asking for the slave three things, which it will be monstrous to refuse, but which, if conceded, will take from Slavery its existing character: I mean, *first*, the protection of the marriage relation; *secondly*, the protection of the parental relation; and, *thirdly*, the privilege of knowledge. Grant these, and the girdled Upas tree soon must die. Sir, amidst these tokens of present success, and the auguries of the future, I am not disturbed by complaints of seeming damage. "Though it consume our own dwelling, who does not venerate fire, without which human life can hardly exist on earth?" says the Hindoo proverb; and the time is even now at hand, when the

Antislavery Enterprise, which is the very fire of Freedom, with all its incidental excesses and excitements, will be hailed with similar regard.

III.

It remains to show, in the *third* place, that the Antislavery Enterprise, which stands before you at once necessary and practicable, is commended by inherent Dignity. Here reasons are obvious and unanswerable.

Its object is benevolent; nor is there in the dreary annals of the Past a single enterprise more clearly and indisputably entitled to this character. With unsurpassed and touching magnanimity, it seeks to benefit the lowly whom your eyes have not seen, and who are ignorant even of your labors, while it demands and receives a self-sacrifice calculated to ennoble an enterprise of even questionable merit. Its true rank is among works properly called *philanthropic*, — the title of highest honor on earth. "I take goodness in this sense," says Lord Bacon in his Essays, "*the affecting of the weal of men*, which is that the Grecians call Philanthropia, ... of all virtues and dignities of the mind the greatest, being the character of the Deity; and without it, man is a busy, mischievous, wretched thing, no better than a kind of vermin."[1] Lord Bacon was right, and perhaps unconsciously followed a higher authority; for, when Moses asked the Lord to show him his glory, the Lord said, "I will make all my goodness pass before thee."[2] Ah! Sir, Peace has trophies fairer and more perennial than any snatched from fields of blood, but, among all

[1] Of Goodness, and Goodness of Nature.

[2] Exodus, xxxiii. 18, 19.

these, the fairest and most perennial are the trophies of beneficence. Scholarship, literature, jurisprudence, art, may wear their well-deserved honors; but an enterprise of goodness deserves, and will yet receive, a higher palm than these.

In other aspects its dignity is apparent. It concerns the cause of Human Freedom, which from earliest days has been the darling of History. By all the memories of the Past, by the stories of childhood and the studies of youth, by every example of magnanimous virtue, by every aspiration for the good and true, by the fame of martyrs swelling through all time, by the renown of patriots whose lives are landmarks of progress, by the praise lavished upon our fathers, are you summoned to this work. Unless Freedom be an illusion, and Benevolence an error, you cannot resist the appeal. Who can doubt that our cause is nobler even than that of our fathers? for is it not more exalted to struggle for the freedom of *others* than for our *own?*

Its practical importance at this moment gives to it additional eminence. Whether measured by the number of beings it seeks to benefit, by the magnitude of the wrongs it hopes to relieve, by the difficulties with which it is beset, by the political relations which it affects, or by the ability and character it enlists, the cause of the slave now assumes proportions of grandeur which dwarf all other interests in our broad country. In its presence the machinations of politicians, the aspirations of office-seekers, and the subterfuges of party, all sink below even their ordinary insignificance. For myself, Sir, I see among us at this time little else by which an honest man, wishing to leave the world better than he found it, can be tempted out upon the exposed

steeps of public life. I see little else which can afford any of those satisfactions an honest man should covet. Nor is there any cause so surely promising final success: —

> "Oh! a fair cause stands firm and will abide;
> Legions of angels fight upon her side!" [1]

It is written that in the last days there shall be scoffers, and even this Enterprise, thus philanthropic, does not escape their aspersions. As the objections to its Necessity were twofold, and the objections to its Practicability twofold, so also are the aspersions twofold, — *first*, in the form of hard words, and, *secondly*, by personal disparagement of those engaged in it.

1. The *hard words* are manifold as the passions and prejudices of men; but they generally end in the imputation of "fanaticism." In such a cause I am willing to be called "fanatic," or what you will; I care not for aspersions, nor shall I shrink before hard words, either here or elsewhere. They do not hurt. "My dear Doctor," said Johnson to Goldsmith, "what harm does it do any man to call him Holofernes?" From that great Englishman, Oliver Cromwell, I have learned that one cannot be trusted "who is afraid of a paper pellet"; and I am too familiar with history not to know that every movement for reform, in Church or State, every endeavor for Human Liberty or Human Rights, has been thus assailed. I do not forget with what facility and frequency hard words are employed: how that grandest character of many generations, the precursor of our own Washington, without whose example our Republic might have failed, the great William, Prince of Orange,

[1] Marston, History of Antonio and Mellida, Act III. Sc. 1.

founder of the Dutch Republic, the United States of Holland, — I do not forget how he was publicly branded as "a perjurer and a pest of society"; and, not to dwell on general instances, how the enterprise for the abolition of the slave-trade was characterized on the floor of Parliament, by one eminent speaker as "mischievous," and by another as "visionary and delusive"; and how the exalted characters which it enlisted were arraigned by still another eminent speaker, — none other than that Tarleton, so conspicuous as commander of the British horse in the Southern campaigns of our Revolution, but more conspicuous in politics at home, — "as a junto of sectaries, sophists, enthusiasts, and fanatics"; and yet again were arraigned by no less a person than a prince of the blood, the Duke of Clarence, afterwards William the Fourth of England, as "either fanatics or hypocrites," in one of which categories he openly placed William Wilberforce.[1] Impartial History, with immortal pen, has redressed these impassioned judgments; nor has the voice of the poet been wanting: —

> "Thy country, Wilberforce, with just disdain,
> Hears thee by cruel men and impious called
> Fanatic, for thy zeal to loose the inthralled
> From exile, public sale, and slavery's chain."[2]

But the same impartial History will yet re-judge the impassioned judgments of this hour.

2. Hard words have been followed by *personal disparagement*, and the sneer is often raised that our Enterprise lacks the authority of names eminent in Church and State. If this be so, the more is the pity on their account; for our cause is needful to them more than

[1] Hansard, Parliamentary History, XXX. 659, April 11, 1793.
[2] Cowper, Sonnet to Wilberforce.

they are needful to our cause. Alas! it is only according to example of history that it should be so. It is not the eminent in Church and State, the rich and powerful, the favorites of fortune and of place, who most promptly welcome Truth, when she heralds change in the existing order of things. It is others in poorer condition who open hospitable hearts to the unattended stranger. This is a sad story, beginning with the Saviour, whose disciples were fishermen, and ending only in our own day. Each generation has its instances. But the cause cannot be judged by any such indifference. Strong in essential truth, it awaits the day, surely at hand, when all will flock to its support. As the rights of man are at last recognized, the scoffers, now so heartless, will forget to scoff.

And now, Sir, I present to you the Antislavery Enterprise vindicated, in Necessity, Practicability, and Dignity, against all objection. If there be any which I have not answered, it is because I am not aware of its existence. It remains that I should give a practical conclusion to this whole matter, by showing, though in glimpses only, your SPECIAL DUTIES AS FREEMEN OF THE NORTH. And, thank God! at last there is a North.

Mr. President, it is not uncommon to hear persons among us at the North confess the wrong of Slavery, and then, folding the hands in absolute listlessness, ejaculate, "What can we do about it?" Such we encounter daily. You all know them. Among them are men in every department of human activity, — who perpetually buy, build, and plan, — who shrink from no labor, — who are daunted by no peril of commercial

adventure, by no hardihood of industrial enterprise, — who, reaching in their undertakings across ocean and continent, would promise to "put a girdle round about the earth in forty minutes"; and yet, disheartened, they can join in no effort against Slavery. Others there are, especially among the youthful and enthusiastic, who vainly sigh because they were not born in the age of Chivalry, or at least in the days of the Revolution, not thinking that in this Enterprise there is opportunity for lofty endeavor such as no Paladin of Chivalry or chief of the Revolution enjoyed. Others there are who freely bestow means and time upon distant, inaccessible heathen of another hemisphere, in islands of the sea; and yet they can do nothing to mitigate our graver heathenism here at home. While confessing that it ought to disappear from the earth, they forego, renounce, and abandon all effort to this end. Others there are still (such is human inconsistency!) who plant the tree in whose full-grown shade they can never expect to sit, — who hopefully drop the acorn in the earth, trusting that the oak which it sends upward to the skies will shelter their children beneath its shade; but they do nothing to plant or nurture the great tree of Liberty, that it may shield with its arms unborn generations of men.

Others still there are, particularly in large cities, who content themselves with occasional contribution to the redemption of a slave. To this object they give out of ample riches, and thus seek to silence the monitions of conscience. I would not discountenance any activity by which Human Freedom, even in a single case, may be secured; but I desire to say that such an act — too often accompanied by pharisaical pretension, in contrast

with the petty performance — cannot be considered essential aid to the Antislavery Enterprise. Not in this way can impression be made on an evil so vast as Slavery, — so widely scattered, and so exhaustless in its unnatural supply. The god Thor, of Scandinavian mythology, whose power surpassed that of Hercules, was once challenged to drain dry a simple cup. He applied it to his lips, and with superhuman capacity drank, but the water did not recede even from the rim, and at last the god abandoned the trial. The failure of even his extraordinary prowess was explained, when he learned that the cup communicated, by invisible connection, with the whole vast ocean behind, out of which it was perpetually supplied, and which remained absolutely unaffected by the effort. And just so will these occasions of charity, though encountered by the largest private means, be constantly renewed; for they communicate with the whole Black Sea of Slavery behind, out of which they are perpetually supplied, and which remains absolutely unaffected by the effort. Sir, private means may cope with individual necessities, but they are powerless to redress the evils of a wicked institution. Charity is limited and local; the evils of Slavery are infinite and everywhere. Besides, a wrong organized and upheld by law can be removed only through change of the law. Not, then, by occasional contribution to ransom a slave can your duty be done in this great cause, but only by earnest, constant, valiant effort against the institution, against the law, which makes slaves.

I am not insensible to the difficulties of this work. Full well I know the power of Slavery. Full well I know all its various intrenchments in the Church, the

politics, and the prejudices of the country. Full well I know the wakeful interests of property, amounting to many hundred millions of dollars, which are said to be at stake. But these things can furnish no motive or apology for indifference, or any folding of the hands. Surely the wrong is not less wrong because gigantic; the evil is not less evil because immeasurable; nor can the duty of perpetual warfare with wrong and evil be in this instance suspended. Nay, because Slavery is powerful, because the Enterprise is difficult, therefore is the duty of all more exigent. The well-tempered soul does not yield to difficulties, but presses *onward forever* with increased resolution.

But the question recurs, so often pressed in argument, or in taunt, *What have we at the North to do with Slavery?* In answer, I might content myself by saying, that, as members of the human family, bound together by cords of common manhood, there is no human wrong to which we can be insensible, nor is there any human sorrow which we should not seek to relieve; but I prefer to say, on this occasion, that, as citizens of the United States, anxious for the good name, the repose, and the prosperity of the Republic, that it may be a blessing and not a curse to mankind, there is nothing among all its diversified interests, under the National Constitution, with which, at this moment, we have so much to do; nor is there anything with regard to which our duties are so irresistibly clear. I do not dwell on the scandal of Slavery in the national capital, of Slavery in the national territories, of the coastwise slave-trade on the high seas beneath the national flag, — all of which are outside State limits, and within the exclusive jurisdiction of Congress, where you and I, Sir, and

every freeman of the North, are compelled to share the giant sin and help to bind its chain. To dislodge Slavery from these usurped footholds, and thus at once relieve ourselves from grievous responsibility, and begin the great work of Emancipation, were an object worthy an exalted ambition. But before even this can be commenced, there is a great work, more than any other important and urgent, which must be consummated in the domain of national politics, and also here at home in the Free States. The National Government itself must be emancipated, so that it shall no longer wear the yoke of servitude; and Slavery in all its pretensions must be dislodged from a usurped foothold in the Free States themselves, thus relieving ourselves from serious responsibility at our own door, and emancipating the North. Emancipation, even within the national jurisdiction, can be achieved only through emancipation of the Free States, accompanied by complete emancipation of the National Government. Ay, Sir, emancipation at the South can be reached only through emancipation of the North. And this is my answer to the interrogatory, What have we at the North to do with Slavery?

But the answer may be made yet more irresistible, while, with mingled sorrow and shame, I portray the tyrannical power which holds us in thraldom. Notwithstanding all its excess of numbers, wealth, and intelligence, the North is now the vassal of an OLIGARCHY, whose single inspiration comes from Slavery. According to official tables of our recent census, the slave-masters, all told, are only THREE HUNDRED AND FORTY-SEVEN THOUSAND FIVE HUNDRED AND TWENTY-FIVE;[1] and yet this small company

[1] De Bow's Statistical View, pp. 94, 95

now dominates over the Republic, determines its national policy, disposes of its offices, and sways all to its absolute will. With a watchfulness that never sleeps and an activity that never tires, the SLAVE OLIGARCHY asserts its perpetual and insatiate masterdom, — now seizing a broad territory once covered by a time-honored ordinance of Freedom, — now threatening to wrest Cuba from Spain by violent war, or hardly less violent purchase, — now hankering for another slice of Mexico, merely to find new scope for Slavery, — now proposing once more to open the hideous, Heaven-defying Slave-Trade, thus replenishing its shambles with human flesh, — and now, by the lips of an eminent Senator, asserting an audacious claim to the whole group of the West Indies, whether held by Holland, Spain, France, or England, as "our Southern islands,"[1] while it assails the independence of Hayti, and extends its treacherous ambition even to the distant valley of the Amazon.

For all this tyranny there must be tools, and these are found through a new test for office, where Slavery is the shibboleth. Nobody, throughout this Republic, who cannot repeat the hateful word, is taken, — nobody, unless faithful to Slavery, is accepted for any post under the National Government. Yes, let it be proclaimed, that now at last, not honesty, not capacity, not fidelity to the Constitution is the test for office, but unhesitating support of Slavery. This is fidelity, this is loyalty, according to the new dispensation. And thus the strength of the whole people is transfused into this oligarchy. The Constitution, the flag

[1] "Our Southern islands, for I call them ours." Speech of Mr. Butler, of South Carolina, March 20, 1854: Congressional Globe, 33d Cong. 1st Sess., Vol. XXVIII. p. 690.

itself, and everything we call our own, is degraded to this wicked rule.

And this giant strength is used with giant heartlessness. By cruel enactment, which has no source in the Constitution, which defies justice, tramples on humanity, and rebels against God, the Free States are made the hunting-ground for slaves, and you and I and all good citizens are pressed to join in the loathsome and abhorred work. Your hearts and judgments, swift to feel and to condemn, will not require me to expose here the abomination of the Fugitive Slave Bill, or its unconstitutionality. Elsewhere I have done this, and never been answered. Nor will you expect that an enactment so entirely devoid of all just sanction should be called by the sacred name of *law*. History still repeats the language in which our fathers persevered, when they denounced the last emanation of British tyranny which heralded the Revolution, as the Boston Port *Bill;* and I am content with this precedent. I have said, that, if any man finds in the Gospel any support of Slavery, it is because Slavery is already in himself; so do I now say, if any man finds in the Constitution of our country any support of the Fugitive Slave Bill, it is because that bill is already in himself. One of our ancient masters — Aristotle, I think — tells us that every man has a beast in his bosom; but the Northern citizen who has the Fugitive Slave Bill there has worse than a beast, — a devil! And yet in this bill, more even than in the ostracism at which you rebel, does the Slave Oligarchy stand confessed, — heartless, grasping, tyrannical, — careless of humanity, right, or the Constitution, — whose foundation is a coalition of wrong-doers, without even the semblance of decency, — while it degrades the Free

States to the condition of a slave plantation, under the lash of a vulgar, despised, and revolting overseer.

Surely, fellow-citizens, without hesitation or postponement, you will insist that this Oligarchy shall be overthrown; and here is the foremost among the special duties of the North, now required for the honor of the Republic, for our own defence, and in obedience to God.

In urging this comprehensive duty, I ought to have hours rather than minutes; but in a few words you shall see its comprehensive importance. With the disappearance of the Slave Oligarchy, the wickedness of the Fugitive Slave Bill will drop from the statute-book, — Slavery will cease at the national capital, — Freedom will become the universal law of the national territory, — the Slave-Trade will no longer skulk along our coast beneath the national flag, — the Slave-marriage of the nation will be dissolved, — the rule of our country will be Freedom instead of Slavery, — the North will no longer be trampled on by the South, — the North will at last be allowed its just proportion of office and honor. Let all this be done, and much more will follow. With the disappearance of the Slave Oligarchy, you will possess the master-key to unlock the whole house of bondage. Oh, Sir! prostrate the Slave Oligarchy, and the gates of Emancipation will be open at the South.

Without waiting for this consummation, there is another special duty here at home, on our own soil, which must be made free in reality, as in name. And here I shall speak frankly, though not without a proper sense of the responsibility of my words. I know that I cannot address you entirely as a private citizen; but I shall say nothing here which I have not said elsewhere, and which

I shall not be proud to vindicate everywhere. "A lie," it has been declared, "should be trampled out and extinguished forever"; and surely you will do nothing less with a tyrannical and wicked enactment. The Fugitive Slave Bill, while it continues unrepealed, must be made a dead letter, — not by violence, not by any unconstitutional activity or intervention, not even by hasty conflict between jurisdictions, — but by an aroused Public Opinion, which, in its irresistible might, shall blast with contempt, indignation, and abhorrence all who consent to be its agents. Thus did our fathers blast all who became agents of the Stamp Act; and surely their motive was small, compared with ours. The Slave-Hunter who drags his victim from Africa is loathed as a monster; but I defy any acuteness of reason to indicate the moral difference between his act and that of the Slave-Hunter who drags his victim from our Northern free soil. A few puny persons, calling themselves Congress, with titles of Representatives and Senators, cannot turn wrong into right, cannot change a man into a thing, cannot reverse the irreversible law of God, cannot make him wicked who hunts a slave on the burning sands of Congo or Guinea, and make him virtuous who hunts a slave over the pavements of Boston or New York. Nor can any acuteness of reason distinguish between the original bill of sale from the kidnapper, by which the unhappy African was transferred in Congo or Guinea, and the certificate of the Commissioner, by which, when once again in Freedom, he is reduced anew to bondage. The acts are kindred, and should share a kindred condemnation.

One man's virtue becomes a standard of excellence for all; and there is now in Boston a simple citizen whose

example may be a lesson to Commissioners, Marshals, Magistrates, while it fills all with the beauty of a generous act. I refer to Mr. Hayes, who resigned his place in the city police rather than take part in the pack of the Slave-Hunter. He is now the door-keeper of the public edifice honored this winter by the triumphant lectures on Slavery. Better be a door-keeper in the house of the Lord than a dweller in the tents of the ungodly. Has he not chosen well? Little think those now doing the work of Slavery that the time is near when all this will be dishonor and sadness. For myself, long ago my mind was made up. Nothing will I have to do with it. How can I help to make a slave? The idea alone is painful. To do this thing would plant in my soul a remorse which no time could remove or mitigate. His chains would clank in my ears. His cries would strike upon my heart. His voice would be my terrible accuser. Mr. President, may no such voice fall on your soul or mine!

Yes, Sir, here our duty is plain and paramount. While the Slave Oligarchy, through its unrepealed Slave Bill, undertakes to enslave our free soil, we can only turn for protection to a Public Opinion worthy of a humane, just, and religious people, which shall keep perpetual guard over the liberties of all within our borders. On this from the beginning I have relied. On this I now rely. Wherever it is already strong, I would keep it so; wherever it is weak, I would strengthen it, until of itself it is an all-sufficient protection, with watch and ward surrounding the fugitive, surrounding all. And this Public Opinion, with Freedom as its countersign, must proclaim not only the overthrow of the Slave Bill, but also the overthrow of the Slave Oligarchy behind, —

the two pressing duties of the North, essential to our own emancipation; and believe me, Sir, while they remain undone, nothing is done.

Mr. President, far already have I trespassed upon your generous patience; but there are other things pressing for utterance. Something would I say of the arguments by which our Enterprise is commended; something also of the appeal it makes to people of every condition; and something, too, of union, as a vital necessity, among all who love Freedom.

I know not if our work will be soon accomplished. I know not, Sir, if you or I shall live to see in our Republic the vows of the Fathers at length fulfilled, as the last fetter falls from the last slave. But one thing I do know, beyond all doubt or question: that this Enterprise must go on; that, in its irresistible current, it will sweep schools, colleges, churches, the intelligence, the conscience, and the religious aspiration of the land, while all who stand in its way or speak evil of it are laying up sorrow and shame for their children, if not for themselves. Better strive in this cause, even unsuccessfully, than never strive at all. The penalty of indifference is akin to the penalty of opposition, — as is well pictured by the great Italian poet, when, among the saddest on the banks of Acheron, rending the air with outcries of torment, shrieks of anger, and smiting of hands, he finds the troop of dreary souls who had been ciphers in the great conflicts of life: —

> "Mingled with whom, of their disgrace the proof,
> Are the vile angels, who did not rebel,
> Nor kept their faith to God, *but stood aloof*."[1]

[1] Inferno, tr. Brooksbank, Canto III. 37–39.

There is no weapon in the celestial armory of Truth, no sweet influence from the skies, no generous word from human lips, which may not be employed. Ours, too, is the argument alike of the Conservative and the Reformer; for our cause stands on the truest conservatism and the truest reform. It seeks the conservation of Freedom itself, and of kindred historic principles; it seeks also the reform of Slavery, and of the kindred tyranny by which it is upheld. Religion, morals, justice, economy, the Constitution, each and all, may be invoked; and one person is touched by one argument, while another person is touched by another. You do not forget how Christopher Columbus won Isabella of Spain to his enterprise of discovery. He began with the temptation of extending her dominions; but she hearkened not. Next he promised the dazzling wealth of the Indies; and still she hearkened not. When, at last, to her pious imagination were pictured poor heathen with souls to be saved, then the youthful Queen poured her royal jewels into the lap of the Genoese adventurer, and at her expense went forth that small fleet which gave to Spain and to mankind a New World.

As in this Enterprise there is a place for every argument, so also is there a place for every man. Even as on the broad shield of Achilles, sculptured by divine art, was wrought every form of human activity, so in this cause, which is the very shield of Freedom, whatever man can do by deed or speech will find its place. One may act in one way, and another in another way; but all must act. Providence is felt through individuals; the dropping of water wears away the rock; and no man can be too humble or poor for this work, while to all the happy in genius, fortune, or fame it makes a special ap-

peal. Here is room for the strength of Luther and the sweetness of Melancthon, for the wisdom of age and the ardor of youth, for the judgment of the statesman and the eloquence of the orator, for the grace of the scholar and the aspiration of the poet, for the learning of the professor and the skill of the lawyer, for the exhortation of the preacher and the persuasion of the press, for the various energy of man and the abounding sympathy of woman.

And still one thing more is needed, without which Liberty-loving men, and their arguments, will fail in power, — even as without charity all graces of knowledge, speech, and faith are said to profit nothing. I mean that *Unity of Spirit* — in itself a fountain of strength — which, filling the people of the North, shall make them tread under foot past antipathies, decayed dissensions, and those irritating names which now exist only as tattered ensigns of ancient strife. It is right to be taught by the enemy; and with their example before us, and their power brandished in our very faces, we cannot hesitate. With them Slavery is the mainspring of political life, and the absorbing centre of political activity; with them all differences are swallowed up by this *one idea,* as all other rods were swallowed up by the rod of Aaron; with them all unite to keep the National Government under the control of slave-masters: and surely we should not do less for Freedom than they do for Slavery. *We, too, must be united.* Among us at last mutual criticism, crimination, and feud must give place to mutual sympathy, trust, and alliance. Face to face against the Slave Oligarchy must be rallied the UNITED MASSES of the North, in compact organization, — planted on the everlasting basis of Human Rights, and together by instincts

of a common danger and holy sympathies of humanity, — enkindled by love of Freedom, not only for themselves, but for others, — determined to enfranchise the National Government from degrading thraldom, — and constituting the BACKBONE PARTY, powerful in numbers, wealth, and intelligence, but more powerful still in an inspiring cause. Let this be done, and victory will be ours.

NEW OUTRAGE FOR THE SAKE OF SLAVERY.

Letter to Passmore Williamson, in Moyamensing Prison, August 11, 1855.

Mr. Sumner occupied several weeks of this summer in a tour to the West, ascending the Mississippi to St. Paul, and then, from Detroit, visiting Lake Superior. While on board a steamer in Lake Superior, he learned by the newspapers that Passmore Williamson, an excellent citizen of Philadelphia, had been flung into prison for the offence of reminding a person claimed as slave, that, being brought to Philadelphia voluntarily by her pretended master, she was free, according to well-known principles of jurisprudence. The indignation of Mr. Sumner found expression in the following letter, which he addressed to the new victim of Slavery.

This remarkable case will be found in a volume published at Philadelphia, in 1856, with the following title: "Case of Passmore Williamson. Report of the Proceedings on the Writ of Habeas Corpus issued by the Hon. John K. Kane, Judge of the District Court of the United States for the Eastern District of Pennsylvania, in the Case of the United States of America *ex rel.* John H. Wheeler *vs.* Passmore Williamson, including the several Opinions delivered, and the Arguments of Counsel, reported by Arthur Cannon, Esq., Phonographer." From this it appears that John H. Wheeler, of Virginia, in a petition to Hon. John K. Kane, Judge of the District Court of the United States for the Eastern District of Pennsylvania, dated July 18, 1855, sets forth, that he is "the owner of three persons held to service or labor by the laws of the State of Virginia, said persons being respectively named Jane, aged about thirty-five years, Daniel, aged about twelve years, and Isaiah, aged about seven years, persons of color, and that they are detained from the possession of your petitioner by one Passmore Williamson, resident of the city of Philadelphia, and that they are not detained for any criminal or supposed criminal matter," and asks a writ of *Habeas Corpus* commanding Mr. Williamson to bring before the Judge the bodies of the said Jane, Daniel, and Isaiah. The writ was

at once allowed, and the next day followed by another, to which Mr. Williamson made return, that "the within named Jane, Daniel, and Isaiah, or by whatsoever names they may be called, nor either of them, are not now, nor was at the time of the issuing of said writ or the original writ, or at any other time, in the custody, power, or possession of, nor confined nor restrained their liberty by him, the said Passmore Williamson. Therefore he cannot have the bodies of the said Jane, Daniel, and Isaiah, or either of them, before your Honor, as by the said writ he is commanded."

In the course of the proceedings, Mr. Williamson, who was Secretary to the Acting Committee of the Pennsylvania Abolition Society, testified as follows.

"I was informed that three slaves were at Bloodgood's Hotel, who wished to assert their right to freedom; I went to the hotel, and saw a yellow boy on the steps fronting on Walnut Street; I made inquiry of him, and he stated that such was the case, but referred me up stairs to one of the waiters for further information; the latter informed me that the slaves, with their master, had just gone on board the steamboat at the end of Walnut Street wharf, for the purpose of going to New York in the five o'clock line. I went on board the boat, looked through the cabin, and then went up on the promenade deck; I saw that man" (*pointing to Mr. Wheeler*) "sitting sideways on the bench on the farther side; Jane was sitting next to and three or four feet from him; the two children were sitting close to her. I approached her and said, 'You are the person I am looking for, I presume'; Wheeler turned towards me and asked what I wanted with him; I replied, Nothing, that my business was entirely with this woman; he said, 'She is my slave, and anything you have to say to her you can say to me.' *I then said to her*, '*You may have been his slave, but you are now free; he brought you here into Pennsylvania, and you are now as free as either of us; you cannot be compelled to go with him, unless you choose; if you wish your liberty, all you have to do is to walk ashore with your children.*' Some five minutes were consumed in conversation with Wheeler, Jane, and a stranger, when the bell rang, and I told her, if she wished to be free, she would have to act at once, as the boat was about starting. She took one of her children by the hand and attempted to rise from her seat; Wheeler placed his hands upon her shoulders and prevented her; I then, for the first time, took hold of her arm and assisted her to rise: the colored people who had collected around us seized hold of the two children, and the whole party commenced a movement towards the head of the stairs leading to the lower deck, Mr. Wheeler having at the start clinched Jane, and during the progress repeatedly and earnestly entreated her to say she wished to stay with him; at the head of the stairway I took Wheeler by the collar and held him to one side. The whole company passed down and left the boat, proceeding peacefully and quietly to Dock and Front Streets, where Jane and her children, with some of her friends,

entered a carriage and were driven down Front Street; I returned to my office. *After the colored people left Dock Street in the carriage, I saw no more of them, have had no control of them, and do not know where they are. My whole connection with the affair was this.*"

At the conclusion of Mr. Williamson's cross-examination, he declared to the Court "that in the proceedings he had not designed to do violence to any law, but supposed that he had acted throughout in accordance with the law, and the legal rights of the respective parties."

On his return to the writ of *Habeas Corpus*, Mr. Williamson was held to bail in the sum of $5,000 for perjury, and subsequently committed, without bail, for contempt, — the alleged contempt being the declaration that the parties were never in his custody. In the course of the hearing, the Judge remarked that "the conduct of those who interfered with Mr. Wheeler's rights was a criminal, wanton, and cruel outrage." His final decree, July 27, 1855, was as follows: "Let Mr. Williamson, the respondent, be committed to the custody of the marshal without bail or mainprise, as for a contempt of the Court in refusing to answer to the writ of *Habeas Corpus*, heretofore awarded against him at the relation of Mr. Wheeler." On the motion looking to a committal for perjury the Judge "withheld an expression of opinion," observing, that, "Mr. Williamson being under arrest, he may be charged at any time by the grand jury."

The respondent attempted to regain his freedom by an application to the Supreme Court of Pennsylvania. After solemn hearing, the application was refused, the Hon. J. S. Black, afterwards a member of President Buchanan's cabinet, giving the opinion of the Court. The State Court was in obvious sympathy with the National Court, and both were sympathetic with Slavery. Meanwhile Mr. Williamson continued a prisoner, until, at last, November 3, 1855, his case was again presented to the Judge who committed him, when, in reply to formal interrogatories, he declared: "I did not seek to obey the writ by producing the persons therein mentioned before the Court, because I had not, at the time of the service of the writ, the power over, the custody, or control of them, and therefore it was impossible for me to do so. . . . . I sought to obey the writ by answering it truly; the parties not being in my possession or control, it was impossible for me to obey the writ by producing them." The Judge announced the contempt purged and the party released from custody.

While the immediate object of this proceeding was to compel Mr. Williamson to produce the bodies of Jane, Daniel, and Isaiah, claimed as slaves in Philadelphia by a person who had voluntarily brought them there, it is impossible to explain the action of the Judge except by his

desire to establish the protection of the National Government over slave-masters travelling with their slaves in Free States. The claimant, at the discharge of Mr. Williamson, stated by his counsel that he "sought an adjudication, by the highest judicial tribunal of the country, of the questions, whether Mr. Wheeler was entitled to pass over the soil of Pennsylvania with his property? and whether or not a wrong had been committed in the forcible abduction thereof?" [1]

Mr. Williamson was in the Moyamensing Prison from July 27th to November 3, 1855.

LAKE SUPERIOR, ON BOARD THE NORTH STAR,
Saturday, August 11, 1855.

MY DEAR SIR, — With astonishment and indignation I have learned the story of your imprisonment; and now, from this distant retreat, where I am for the moment, make haste to send you my sympathy.

From beginning to end, from side to side, and in every aspect, this transaction can be regarded only as a clear, indubitable, and utterly unmitigated outrage. The new-fangled doctrine, that a slave-master can *voluntarily* import his alleged slave — of course with all the revolting incidents of Slavery — into the Free States, is not more odious than preposterous. It is scouted by reason, and disowned by universal jurisprudence. You were right in disregarding it. In stepping forward to remind persons claimed as slaves on this pretext that all such claim is baseless, you did a good work. It was this knowledge which filled them with confidence to regain their God-given liberty. And for this it appears that you have been brought before a man, "dressed in a little brief authority," who has cast you into prison.

This outrage is rendered more outrageous by the way

[1] Case of Passmore Williamson, pp. 3 - 5, 9 - 11, 15, 73, 157 - 163.

in which it was done. It was perpetrated through perversion of the great writ of *Habeas Corpus*. This writ of freedom and deliverance, which in England is often styled the Palladium of the Constitution, which is recognized as a distinctive feature of Constitutional Government, which finds no place in despotism, and which is the very master-key appointed to unlock prison-doors and let the oppressed go free, has been made in your case, by a hocus-pocus without precedent, the instrument of imprisonment and oppression.

Strange and disgraceful as all this is, it must be considered the natural fruit of Slavery. Any person, whosoever he may be, whether simple citizen or magistrate, who undertakes to uphold this wrong, seems forthwith to lose his reason. He may be just, humane, and decent in other things, but in the support of Slavery he becomes unjust, inhuman, and indecent, — often in obvious unconsciousness of his degradation. The blindness which makes him insensible to wrong so transcendent naturally makes him insensible to the lesser wrong by which it is maintained. What is the writ of *Habeas Corpus*, the trial by jury, the privilege of debate, or your liberty or mine, in the estimation of a person who has already screwed himself to the pitch of injustice necessary for the vindication of an institution which separates parent and child, which stamps woman as a concubine, which shuts the gates of knowledge, and which snatches from the weak all the hard-earned fruits of incessant toil?

But there must be an end to these things; and as Shakespeare found a jewel in the toad's head, so do I find a cheering omen even in the injustice which has made you its victim. There is an old saying, handed

down from distant antiquity, that "whoso the gods wish to destroy they first make mad"; and I have often of late been impressed by its truth. The Slave Oligarchy is mad, and their overflowing madness runs through every agent and tool. In all that they do — especially in the Fugitive Slave Bill and its cruel enforcement, the Nebraska Bill and its felonious administration, and now in the imprisonment of an unoffending citizen — I rejoice to believe that there is unmistakable evidence of that madness which precedes a fall. Verily the day is at hand when returning justice will once more bear sway; then, among the triumphs of Freedom, will be a reckoning with unjust judges.

Meanwhile accept my congratulations on the portion of responsibility and dignity which is yours. It is a privilege to suffer for truth; and I envy not the meanness of that soul which would hesitate to prefer your place within the stone walls of a prison to the cushioned bench of the magistrate by whose irrational and tyrannical edict you have been condemned.

Believe me, my dear Sir, with much regard,

Very faithfully yours,

CHARLES SUMNER.

PASSMORE WILLIAMSON, Esq., Moyamensing Prison, Philadelphia.

THE PEN BETTER THAN THE SWORD.

LETTER TO COMMITTEE OF PUBLISHERS IN NEW YORK,
SEPTEMBER 26, 1855.

BOSTON, 26th September, 1855.

MY DEAR SIR, — Constrained by other things, I renounce with much reluctance the opportunity which you offer me of partaking in the splendid hospitality prepared by the Publishers for the Authors of our country.

The occasion will be of special interest. It would be pleasant to sit at feast with so many, who, as Authors, adorn our national name. And it would be pleasant also to be the guest of those active, enlightened, and generous Publishers who do so much for Authors. But I must forego this luxury. Only in "bare imagination" can I enjoy it.

At your table there will be an aggregation of various genius and talent constituting a true *Witenagemote*, which may justly gratify an honest pride of country. Grateful as this may be as a token of power, it will be more grateful still as a token of that concord growing among men in all the relations of life. The traditional feud between Authors and Publishers promises to lose itself in your Festival, even as the traditional feud between England and France is absorbed in the welcome of Victoria by Louis Napoleon. This is beautiful. And

the whole scene, where differing Authors commingle under auspices of differing Publishers, will be an augury of that permanent coöperation and harmony which will secure to the pen its mightiest triumphs.

It is in honor of the pen that the company will be gathered together. If any word of mine be expected, please let me offer the following sentiment.

The Pen of the Author, — Exposing error, defending truth, instructing the ignorant, cheering the unhappy, while charming and animating *all,* it can do better than the Sword, and will yet receive from the world a higher praise.

Believe me, dear Sir,

Very faithfully yours,

CHARLES SUMNER.

G. P. PUTNAM, Esq.

THE REPUBLICAN PARTY IN NEW YORK.

Letter to a New York Committee, October 7, 1855.

Boston, October 7, 1855.

GENTLEMEN, — Your summons addressed to me at Newport was forwarded to me at this place.

I wish I could be at your proposed meeting, but I cannot. Accept my best wishes for the Republican party of New York, which you represent. Among the multitudes already rallying spontaneously in this body-guard of Freedom my presence cannot be needed.

The infant Hercules strangled the serpents in his cradle, and the new party, just born, gives token of a like precocious strength.

Believe me, Gentlemen, very respectfully yours,

Charles Sumner.

E. D. Morgan, Luman Sherwood, Charles W. Elliott, Esqrs., Committee, &c.

THE REPUBLICAN PARTY OFFSPRING OF THE AROUSED CONSCIENCE OF THE COUNTRY.

LETTER TO A BOSTON COMMITTEE, OCTOBER 8, 1855.

HANCOCK STREET, 8th October, 1855.

MY DEAR SIR, — Your invitation for to-night, after a journey to Newport and back, reached me only yesterday. It finds me already engaged, so that I cannot join my fellow-citizens in the proposed ratification at Faneuil Hall of the nominations lately made by the Republican Party of Massachusetts.

In my heart I have already ratified those nominations. On some other occasion I hope for an opportunity at Faneuil Hall to do the same by public speech.

Meanwhile accept my Godspeed for the good cause which we seek to promote, and for the Republican Party which is its organ. The cause is blessed alike in itself and in its influence on all who espouse it. No man can exert himself for Freedom without feeling better than before. The party is so entirely in harmony with prevailing opinion, it is such a natural and inevitable expression of the existing state of things, it is so clearly the offspring of the aroused conscience of the country, that it begins with auguries of success. Already it draws into its ranks good men from all sides, who, forgetting the things that are behind, press on to the things that are before.

Believe me, dear Sir, very faithfully yours,

CHARLES SUMNER.

WILLIAM BRIGHAM, Esq.

POLITICAL PARTIES AND OUR FOREIGN-BORN POPULATION.

SPEECH AT A REPUBLICAN RALLY IN FANEUIL HALL, NOVEMBER 2, 1855.

IMMEDIATELY before the election there was a Republican Rally at Faneuil Hall, with the following officers: Richard H. Dana, Jr., Esq., *President;* Dr. Edward Reynolds, Ezra Lincoln, William Pope, Josiah W. Butler, Aaron Bancroft, Samuel Johnson, James P. Whitney, Prince Hawes, Daniel Kimball, Charles M. Ellis, N. Davies Cotton, Frederick A. Sumner, John G. Webster, George S. Winslow, Henry W. Farley, of East Boston, William P. Houston, of South Boston, Henry Slade, of Chelsea, Francis B. Fay, of Chelsea, and James L. Jones, of Chelsea, *Vice-Presidents;* John D. W. Joy, E. Baker Welch, Franklin W. Smith, Samuel W. Lane, *Secretaries.*

On taking the chair, Mr. Dana made an able speech especially in reply to one recently made by Mr. Choate, in the course of which he said that the Republicans repudiated the charge of ignoring the Constitution or menacing the Union.

Mr. Sumner was then introduced, and spoke for two hours and a quarter, with the marked attention of a very large audience. This speech was reported at length in the papers, and was afterwards printed in a pamphlet. It particularly discussed the Slave Oligarchy and its usurpations, — the outrages in Kansas, — the different political parties, — the rights of our foreign-born population, — and the Republican party. Several of these topics, being treated in other speeches, are omitted here. The part relating to our foreign-born population attracted attention at the time, and has been often quoted since. Among the audience were many persons of the Know-Nothing party, pledged against the foreign-born, who were there to create difficulty; but Mr. Sumner was allowed to proceed uninterrupted. The papers speak of "rapturous applause." In this vindication of our foreign-born population, he acted only according to his convictions and all his votes in the Senate. Although the Know-Nothing party prevailed in Massa-

chusetts, Mr. Sumner refused all association with it; and yet, such was the recklessness of misrepresentation, that the Richmond *Enquirer* announced him as "the head of the Northern Know-Nothing party." The following speech is sufficient answer to this assertion.

In the course of this speech Mr. Sumner gives his personal testimony as to Slavery, founded on what he saw in a short journey he had made through Kentucky as far as Nashville in Tennessee.

FELLOW-CITIZENS OF BOSTON: —

ARE you for Freedom, or are you for Slavery? This is the question which you are to answer at the coming election. Above all other questions, national or local, it lifts itself directly in the path of every voter. There it is. It cannot be avoided. It cannot be banished away. It cannot be silenced. Forever sounding in our ears, it has a mood for every hour, — stirring us at times as with the blast of a trumpet, then visiting us in solemn tones, like the bell which calls to prayer, and then again awaking us to unmistakable duty, like the same bell, when at midnight it summons all to stay the raging conflagration.

And yet there are persons among us who seek to put this great question aside. Some clamor for financial reform, and hold up a tax-bill; others clamor for a modification of the elective franchise, and they hold up the Pope; some speak in the name of old parties, calling themselves Democrats or Whigs; others in the name of a new party, which shall be nameless at present. Surely the people of Massachusetts will not be diverted from the true issue, involving Freedom for broad territories and Freedom for themselves, by holding up a tax-bill or by holding up the Pope. The people of Massachusetts are intelligent and humane.

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But above all these is heard the great question, which will not be postponed, Are you for Freedom, or are you for Slavery? "Under which king, Bezonian? Speak or die!" Are you for Freedom, with its priceless blessings, or are you for Slavery, with its countless wrongs and woes? Are you for God, or are you for the Devil?

Fellow-Citizens, I speak plainly; nor can words exhibiting the enormity of Slavery be too plain, whether it be regarded simply in the legislative and judicial decisions by which it is upheld, or in the unquestionable facts by which its character is revealed. It has been my fortune latterly to see Slavery face to face in its own home, in the Slave States; and I take this early opportunity to offer my testimony to the open barbarism which it sanctions. I have seen a human being knocked off at auction on the steps of a court-house, and, as the sale went on, compelled to open his mouth and show his teeth, like a horse; I have been detained in a stage-coach, that our driver might, in the phrase of the country, "help lick a nigger"; and I have been constrained, at public table, to witness the revolting spectacle of a poor slave, yet a child, almost felled to the floor by a blow on the head from a clenched fist. Such incidents were not calculated to shake my original convictions. The distant slaveholder, who, in generous solicitude for that truth which makes for Freedom, feared, that, like a certain Doctor of Divinity, I might, under influence of personal kindness, be hastily swayed from these convictions, may be assured that I saw nothing to change them one tittle, but much to confirm them, — while I was entirely satisfied that here in Massachusetts, where all read, the true character of Slavery is better known than in the Slave States themselves, where ignorance and prejudice close the avenues of knowledge.

And now, grateful for the attention with which you honor me, I venture to hope that you are assembled honestly to hear the truth, — not to gratify prejudice, to appease personal antipathies, or to indulge a morbid appetite for excitement, but with candor and your best discrimination to weigh facts and arguments in order to determine the course of duty. I address myself particularly to the friends of Freedom, Republicans, on whose invitation I appear to-night; but I make bold to ask you of other parties, who now listen, to divest yourselves, for the time, of partisan constraint, — to forget, for the moment, that you are Whigs or Democrats, or however called, and to remember only that you are *men*, with hearts to feel, with heads to understand, and with consciences to guide. Then only will you be in condition to receive the truth. "If men are not aware of the probable influence of party over them, they are so much the more likely to be blindly governed by it." Such is the wise remark of Wilberforce.[1] And I fear that among us there are too many unconsciously governed by such bias. There are men, who, while professing candor, yet show that the bitterness of party has entered into their whole character and lives, as the bitterness of the soil in Sardinia is said to appear even in its honey.

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There are honorable responsibilities belonging to Massachusetts, as an early and constant vindicator of Freedom, which she cannot renounce. "If the trumpet give an uncertain sound, who shall prepare himself to the battle?" The distant emigrant, the whole coun-

[1] Notes on Party Principles: Life of Wilberforce by his Sons, Vol. II., Appendix, p. 456.

try, awaits the voice of our beloved Commonwealth in answer to the question, Are you for Freedom, or are you for Slavery? So transcendent, so exclusive, so all-absorbing at the present juncture is this question, that it is vain to speak of the position of candidates on other things. To be doubtful on this is to be wrong, and to be wrong on this is to be wholly wrong. Passing strange it is that here in Massachusetts, in this nineteenth century, we should be constrained to put this question; passing strange, that, when it is put, there should be any hesitation to answer it, by voice and vote, in such way as to speak the loudest for Freedom.

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But, without exposing the game of political sweepstakes which the Slave Oligarchy has perpetually played, — interesting as it would be, — I prefer to hold up for one moment the assumptions, aggressions, and usurpations by which, in defiance of the Constitution, it has made Slavery national, when it is in reality sectional. Here is a brief catalogue.

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Fellow-citizens, I have said enough to stir you; but this humiliating tale is not yet finished. An oligarchy seeking to maintain an outrage like Slavery, and drawing its inspirations from this fountain of wickedness, is naturally base, false, and heedless of justice. It is vain to expect that men who have brought themselves to become propagandists of this enormity will be constrained by any compromise, compact, bargain, or plighted faith. As the less is contained in the greater, so there is no vileness of dishonesty, no denial of human rights, that

is not plainly involved in the support of an enormity which begins by changing man, created in the image of God, into a chattel, and consigns little children to the auction-block. A power which Heaven never gave can be maintained only by means which Heaven can never sanction. And this conclusion of reason is confirmed by late experience.

And here I approach the special question under which the country now shakes from side to side. The protracted struggle of 1820, known as the Missouri Question, ended with the admission of Missouri as a slaveholding State, and the prohibition of Slavery in all the remaining territory west of the Mississippi and north of 36° 30′. Here was a solemn act of legislation, called at the time a compromise, a covenant, a compact, first brought forward by the Slave Oligarchy, vindicated by it in debate, finally sanctioned by its votes, — also upheld at the time by a slaveholding President, James Monroe, and his cabinet, of whom a majority were slaveholders, including Mr. Calhoun himself, — and made the condition of the admission of Missouri, without which that State could not have been received into the Union. Suddenly, during the last year, without any notice in the public press or the prayer of a single petition, after an acquiescence of thirty-four years, and the irreclaimable possession by the Slave Oligarchy of its special share in the provisions of this Compromise, in violation of every obligation of honor, compact, and good neighborhood, and in contemptuous disregard of the outgushing sentiments of an aroused North, this time-honored Prohibition, in itself a Landmark of Freedom, was overturned, and the vast region now known as Kansas

and Nebraska was opened to Slavery: and this was done under the disgraceful lead of Northern politicians, and with the undisguised complicity of a Northern President, forgetful of Freedom, forgetful also of his reiterated pledges that during his administration the repose of the country should receive no shock.

And all this was perpetrated under pretences of popular rights. Freedom was betrayed by a kiss. In defiance of uninterrupted prescription down to our day, early sustained at the South as well as the North, leaning at once on Jefferson and Washington, sanctioned by all the authoritative names of our history, and beginning with the great Ordinance by which Slavery was prohibited in the Northwest, — it was pretended that the people of the United States, who are the proprietors of the national domain, and who, according to the Constitution, may "make all needful rules and regulations" for its government, nevertheless were not its sovereigns, that they had no power to interdict Slavery there, but that this eminent dominion resided in the few settlers, called squatters, whom chance or a desire to better their fortunes first hurried into these places. To this precarious handful, sprinkled over immense spaces, it was left, without any constraint from Congress, to decide whether into these vast unsettled lands, as into the veins of an infant, should be poured the festering poison of Slavery, destined, as time advances, to show itself in cancers and leprous disease, or whether they should be filled with all the glowing life of Freedom. And this great power, transferred from Congress to these few settlers, was hailed by the new-fangled name of *Squatter Sovereignty.*

It was fit that the original outrage perpetrated under

such pretences should be followed by other outrages perpetrated in defiance of these pretences. In the race of emigration the Freedom-loving citizens of the North promised to obtain the ascendency, and, in the exercise of the conceded sovereignty of the settlers, to prohibit Slavery. The Slave Oligarchy was aroused to other efforts. Of course it stuck at nothing. On the day of election, when this vaunted popular sovereignty was first invoked, hirelings from Missouri, having no home in the Territory, entered it in bands of fifties and hundreds, and, assuming an electoral franchise to which they had no claim, trampled under foot the Constitution and laws. Violently, ruthlessly, the polls were possessed by these invaders. The same Northern President, who did not shrink from unblushing complicity in the original outrage, now assumed another complicity. Though prompt to lavish the Treasury, the Army, and the Navy of the Republic in hunting a single slave through the streets of Boston, he could see the Constitution and laws which he was sworn to protect, and those popular rights which he had affected to promote, all struck down in Kansas, — and then give new scope to these invaders by the removal of the faithful Governor, who had become obnoxious to the Slave Oligarchy because he would not become its tool, and the substitution of another, who vindicated the dishonest choice by making haste, on his first arrival there, to embrace the partisans of Slavery. The Legislature, which was constituted by the overthrow of the electoral franchise, proceeded to overthrow every safeguard of Freedom. At one swoop it adopted all the legislation of Missouri, including its Slave Code; by another act it imposed unprecedented conditions upon the exercise of the electoral franchise;

and by still another act it denounced *the punishment of death* no less than five times against as many different forms of interference with the alleged property in human flesh, while all who but write or speak against Slavery are adjudged to be felons. Yes, fellow-citizens, should any person there presume to print or circulate the speech in which I now express my abhorrence of Slavery, and deny its constitutional existence anywhere within the national jurisdiction, he would become liable under this act as a felon. And this overthrow of all popular rights is done in the name of Popular Sovereignty. Surely its authors follow well the example of the earliest Squatter Sovereign, — none other than Satan, — who, stealing into Eden, was there discovered by the celestial messengers just beginning his work: as Milton tells us, —

> "Him there they found
> *Squat* like a toad, close at the ear of Eve."

Would you know the secret of this unprecedented endeavor, beginning with the repeal of the Prohibition of Slavery, down to the latest atrocity? The answer is at hand. It is not merely to provide new markets for slaves, or even to guard Slavery in Missouri, but to build another Slave State, and thus, by the presence of two additional Slaveholding Senators, to give increased preponderance to the Slave Oligarchy in the National Government. As men are murdered for the sake of their money, so is this Territory blasted in peace and prosperity in order to wrest its political influence to the side of Slavery.

But a single usurpation is not enough to employ the rapacious energies of our Oligarchy. At this moment,

while the country is pained by the heartless conspiracy against Freedom in Kansas, we are startled by another effort, which contemplates not merely the political subjugation of the National Government, but the actual introduction of Slavery into the Free States. The vaunt is made that slaves will yet be counted in the shadow of the monument on Bunker Hill, and more than one step has been taken towards this effrontery. A person of Virginia has asserted his right to hold slaves in New York on the way to Texas; and this claim is still pending before the highest judicial tribunal of the land. A similar claim has been asserted in Pennsylvania, and thus far been sustained by the court. A blameless citizen, who, in obedience to generous impulses, and in harmony with received law, merely gave notice to a person held as a slave in a Free State that she was in reality free, has been thrust into jail, and now, after the lapse of months, still languishes there, the victim of this pretension; while — that no excess might be wanting in the madness of this tyranny — the great writ of Habeas Corpus, proudly known as the writ of deliverance, has been made the instrument of his imprisonment.[1] Outrage treads upon outrage, and great rights pass away to perish. Alas! the needful tool for such work is too easily found in places low and high, — in the lanes and cellars of Boston, on the bench of the judge, in the chair of the President. But it is the power behind which I impeach. The Slave Oligarchy does it; the Slave Oligarchy does it all.

To the prostration of this Oligarchy we are bound by a threefold cord of duty: *first,* as we would secure

[1] Case of Passmore Williamson. See, *ante,* p. 52.

Freedom for ourselves; *secondly,* as we would uphold Freedom in distant Kansas; and, *thirdly,* as we would preserve the Union in its early strength and integrity. The people of Kansas are, many of them, from Massachusetts, — bone of our bone, flesh of our flesh; but as fellow-citizens under the Constitution they are bound to us by ties which we cannot disown; nay, more, — by the subtile cord which connects this embryo settlement with the Republic, they are made part of us. The outrage which touches them touches us. What galls them galls us. The fetter which binds the slave in Kansas binds every citizen in Massachusetts. Thus are we prompted to their rescue, not only to save them, but also to save ourselves. The tyranny which now treads them down has already trampled on us, and only awaits an opportunity to do it again. In its complete overthrow is the only way of safety. Indeed, this must be done before anything else can be done.

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In the choice of men we are driven to the organization of parties; and here occurs the practical question on which hinges immediate duty, — By what political party can our desire be accomplished? There are individuals in all parties, even the Democratic, who hate Slavery, and say so; but a political party cannot be judged by the private opinions of some of its members. Something else, more solid and tangible, must appear. The party that we select to bear the burden and honor of our great controversy should be adapted to the work. It must be a perfect machine. Wedded to Freedom for better or for worse, and clinging to it with a grasp never to be unloosed, it must be clear,

open, and unequivocal in its declarations, and should admit no other question to divert its energies. It must be all for Freedom, and, like Cæsar's wife, above suspicion. But besides this character which it should sustain in Massachusetts, it must be prepared to take its place in close phalanx with the united masses of the North, now organizing through all the Free States, *junctæque umbone phalanges*, for the protection of Freedom and the overthrow of the Slave Oligarchy.

Bearing these conditions in mind, there are three parties which we may dismiss, one by one, as they pass in review. Men do not gather grapes from thorns, nor figs from thistles; nor do they expect patriotism from Benedict Arnold. A party which sustains the tyrannies and perfidies of the Slave Oligarchy, and is represented by the President, through whom has come so much of all our woe, need not occupy our time; and such is the Democratic party. If there be within the sound of my voice a single person, professing sympathy with Freedom, who still votes with this party, to him I would say: The name of Democrat is a tower of strength; let it not be the bulwark of Slavery; for the sake of a name do not sacrifice the thing; for the sake of party do not surrender Freedom.

According to familiar rule, handed down from distant antiquity, we are to say nothing but good of the dead. How, then, shall I speak of the late powerful Whig party, by whose giant contests the whole country was once upheaved, but which has now ceased to exist, except as the shadow of a name? Here in Massachusetts, a few who do not yet know that it is dead have met together and proffered the old allegiance. They are the Rip Van Winkles of our politics. This

respectable character, falling asleep in the mountains, drowsed undisturbed throughout the war of the Revolution, and then, returning to his native village, ignorant of all that had passed, made haste to declare himself "a loyal subject of the King, God bless him!" But our Whigs are less tolerant and urbane than this awakened sleeper. In petulant and irrational assumption they are like the unfortunate judge, who, being aroused from slumber on the bench by a sudden crash of thunder, exclaimed, "Mr. Crier, stop the noise in Court!" The thunder would not be hushed; nor will the voice of Freedom, now reverberating throughout the land. Some there are among these who openly espouse the part of Slavery, while others, by indifference, place themselves in the same unhappy company. If their position at this moment were of sufficient importance to justify grave remark, they should be exhibited as kindred in spirit and isolation to the Tories of our Revolution, or at least as the Bourbons of Massachusetts, — always claiming everything, learning nothing, forgetting nothing, and at last condemned by an aroused people for disloyalty to Freedom. Let no person who truly loves Freedom join this company, tempted by its name and old associations.

There is still another party claiming your votes, but permit me to say, at this crisis, with little reason. I am at a loss to determine the name by which it may be called. It is sometimes styled the Know Nothing party, sometimes the American party; but it cannot be entitled to these designations, — if they be of any value, — for it does not claim to belong to the organization which first assumed and still retains them. It is an isolated combination, peculiar to Massachusetts, which,

while professing certain political sentiments, is bound together by the support of one of the candidates for Governor.[1] At this moment this is its controlling idea. It is therefore a *personal* party; and I trust that I shall not be considered as departing from that courtesy which is with me a law, if I say, that, in the absence of any appropriate name, expressive of principles, it may properly take its designation from the candidate it supports.

Of course such a party wants the first essential condition of the organization which we seek. It is a *personal* party, whose controlling idea is predilection for a man, and not a principle. Whatever may be the private sentiments of some of its members, clearly it is not a party wedded to Freedom for better and for worse, and clinging to it with a grasp never to be unloosed. While professing opposition to Slavery, it also arraigns Catholics and foreigners, and allows the question of their privileges to disturb its energies. It is not all for Freedom; nor is it, like Cæsar's wife, above suspicion. Besides, even as party of Freedom, it is powerless from its isolation; for it stands by itself, and is in no way associated with that great phalanx now rallying throughout the North. In this condition should it continue to exist, it will, in the coming Presidential contest, from natural affinity, lapse back into the American party of the country, which is ranged on the side of Slavery. Of course, as a separate party, it is necessarily short-lived. Cut off from the main body, it may show a brief vitality, as the head of a tortoise still bites for some days after it is severed from the neck; but it can have no permanent existence. Surely this is not the party of Freedom which we seek.

[1] Hon. Henry J. Gardner.

The incompetency of this party, as organ of our cause, is enhanced by the uncongenial secrecy in which it had its origin and yet shrouds itself. For myself let me say, that on the floor of the Senate I have striven by vote and speech, in conjunction with my distinguished friend Mr. Chase, to limit the secret sessions of that body, under shelter of which so much of the public business is transacted; and I have there presented, as the fit model for American institutions, the example of that ancient Roman who bade his architect so construct his house that all that he did might be seen by the world.[1] What I urged there I now urge here. But the special aims which this party proposes are in harmony with the darkness in which it begins. Even if justifiable on any ground of public policy, they should not be associated with our cause: but I am unwilling to allude to them without expressing my frank dissent.

It is proposed to attaint men for religion, and also for birth. If this object can prevail, vain are the triumphs of Civil Freedom in its many hard-fought fields, vain is that religious toleration which we profess. The fires of Smithfield, the tortures of the Inquisition, the proscriptions of Non-Conformists may all be revived. Mainly to escape these outrages, dictated by a dominant religious sect, was our country early settled: in one place by Pilgrims, who sought independence; in another by Puritans, who disowned bishops; in another by Episcopalians, who take their name from bishops; in another by Quakers, who set at nought all forms;

[1] "Tu vero, si quid in te artis est, ita compone domum meam, ut, quicquid agam, ab omnibus perspici possit." — A saying of the tribune M. Livius Drusus, preserved by Velleius Paterculus, *Historiæ Romanæ*, Lib. II. c. 14.

and in yet another by Catholics, who look to the Pope as spiritual father. Slowly among the struggling sects was evolved that great idea of the equality of all men before the law without regard to religious belief; nor can any party now organize a proscription merely for religious belief, without calling in question this well-established principle.

But Catholics are mostly foreigners, and on this account are condemned. Let us see if there be any reason in this; and here indulge me with one word on foreigners.

With the ancient Greeks a foreigner was *a barbarian*, and with the ancient Romans he was *an enemy*. In early modern times the austerity of this judgment was relaxed; but, under the influence of feudalism, different sovereignties, whether provinces or nations, were kept in a condition of isolation, from which they have gradually passed, until now provinces are merged in nations, and nations are giving signs that they too will yet combine in one. In our country a new example is already displayed. From all nations people commingle here. As in ancient Corinth, by accidental fusion of all metals, accumulated in the sacred temples, a peculiar metal was produced, better than any individual metal, even silver or gold, — so, perhaps, in the order of Providence, by fusion of all races here, there will be a better race than any individual race, even Saxon or Celt. Originally settled from England, the Republic has been strengthened and enriched by generous contributions of population from Scotland, Ireland, Switzerland, Sweden, France, and Germany; and the cry is, Still they come! At no time since the discovery of the New World has the army of emigrants

pressed so strongly upon us. More than one quarter of a million are annually landed on our shores. The manner in which they shall be received is a problem of national policy.

All will admit that any influence which they bring, hostile to our institutions, calculated to substitute priestcraft for religion and bigotry for Christianity, must be deprecated and opposed. All will admit, too, that there must be some assurance of their purpose to become not merely consumers of the fruits of our soil, but useful, loyal, and permanent members of our community, upholders of the general welfare. With this simple explanation, I cannot place any check upon the welcome to foreigners. There are our broad lands, stretching towards the setting sun; let them come and take them. Ourselves children of the Pilgrims of a former generation, let us not turn from the Pilgrims of the present. Let the home founded by our emigrant fathers continue open in its many mansions to the emigrants of to-day.

The history of our country, in its humblest as well as most exalted spheres, testifies to the merit of foreigners. Their strong arms have helped furrow our broad territory with canals, and stretch in every direction the iron rail. They fill our workshops, navigate our ships, and even till our fields. Go where you will among the hardy sons of toil on land or sea, and there you find industrious and faithful foreigners bending their muscles to the work. At the bar and in the high places of commerce you find them. Enter the retreats of learning, and there too you find them, shedding upon our country the glory of science.[1] Nor can any reflection be cast upon foreigners,

[1] Of this Professor Agassiz is a brilliant instance.

coming for hospitality now, which will not glance at once upon the distinguished living and the illustrious dead, — upon the Irish Montgomery, who perished for us at the gates of Quebec, — upon Pulaski the Pole, who perished for us at Savannah, — upon De Kalb and Steuben, the generous Germans, who aided our weakness by their military experience, — upon Paul Jones, the Scotchman, who lent his unsurpassed courage to the infant thunders of our navy, — also upon those great European liberators, Kosciusko of Poland, and Lafayette of France, each of whom paid his earliest vows to Liberty in our cause. Nor should this list be confined to military characters, so long as we gratefully cherish the name of Alexander Hamilton, who was born in the West Indies, and the name of Albert Gallatin, who was born in Switzerland, and never, to the close of his octogenarian career, lost the French accent of his boyhood, — both of whom rendered civic services to be commemorated among the victories of peace.

Nor is the experience of our Republic peculiar. Where is the country or power which does not inscribe the names of foreigners on its historic scroll? It was Christopher Columbus, of Genoa, who disclosed to Spain the New World; it was Magellan, of Portugal, sailing in the service of Spain, who first passed with adventurous keel through those distant Southern straits which now bear his name, and opened the way to the vast Pacific Sea; and it was Cabot, the Venetian, who first conducted English enterprise to this North American continent. As in triumphs of discovery, so also in other fields have foreigners excelled, while serving states to which they were bound by no tie of birth. The Dutch Grotius, author of the great work, "Laws of War and Peace,"

an exile from his own country, became Ambassador of Sweden; and, in our own day, the Italian Pozzo di Borgo, turning his back upon his own country, reached the most exalted diplomatic trust in the jealous service of Russia. In the list of monarchs on the throne of England, not one has been more truly English than the Dutch William. In Holland no ruler has equalled in renown the German William, Prince of Orange. In Russia the German Catharine the Second takes place among the most commanding sovereigns. And who of Swedish monarchs was a better Swede than Bernadotte, the Frenchman ? and what Frenchman was ever filled with aspiration for France more than the Italian Napoleon Bonaparte ?

I pass from these things, which have occupied me too long. A party, which, beginning in secrecy, interferes with religious belief, and founds a discrimination on the accident of birth, is not the party for us.

"Where Liberty is, there is my country," was the sentiment of that great Apostle of Freedom, Benjamin Franklin, uttered during the trials of the Revolution. In similar strain, I would say, "Where Liberty is, there is my party." Such an organization is now happily constituted here in Massachusetts, and in all the Free States, under the name of Republican Party.

In assuming our place as a distinct party, we simply give form and direction, in harmony with the usage and genius of popular governments, to a movement which stirs the whole country, and does not find adequate and constant organ in either of the other existing parties. The early opposition to Slavery was simply a senti-

ment, outgushing from the hearts of the sensitive and humane. In the lapse of time it became a determined principle, inspiring larger numbers, and showing itself first in an organized endeavor to resist the annexation of slaveholding Texas; next, to prohibit Slavery in newly acquired territories; and now, alarmed by the overthrow of all rights in Kansas, and the domination of the Slave Oligarchy throughout the Republic, it breaks forth in a stronger effort, a wider union, and a deeper channel, inspiring yet larger numbers and firmer resolves, while opposite quarters contribute to its power, — even as the fountain, first outgushing from the weeping sides of its pure mountain home, trickles in the rill, leaps in the torrent, and flows in the river, till, at last, swollen with accumulated waters, it presses onward, in irresistible, beneficent current, fertilizing and uniting the spaces which it traverses, washing the feet of cities, and wooing states to repose upon its banks

. . . . .

Our party has its origin in the exigencies of the hour. Vowing ourselves against Slavery, wherever it exists, whether enforced by Russian knout, Turkish bastinado, or lash of Carolina planter, we do not seek to interfere with it at Petersburg, Constantinople, or Charleston; nor does any such grave duty rest upon us. Political duties are properly limited by political responsibilities; and we are in no just sense responsible for the local law or usage by which human bondage in these places is upheld. But wherever we are responsible for the wrong, there our duty begins. The object to which, as a party, we are pledged, is all contained in acceptance of the issue which the Slave Oligarchy tenders. To its

repeal of the Missouri Compromise, and its imperious demand that Kansas shall be surrendered to Slavery, we reply, that Freedom shall be made the universal law of all the national domain, without compromise, and that hereafter no Slave State shall be admitted into the Union. To its tyrannical assumption of supremacy in the National Government we reply, that the Slave Oligarchy shall be overthrown. Such is the practical purpose of the Republican Party.

ORIGINATION OF APPROPRIATION BILLS.

Speech in the Senate, on the Usurpation of the Senate in the Origination of Appropriation Bills, February 7, 1856.

On the 11th of December, 1855, Mr. Brodhead, of Pennsylvania, introduced a resolution directing the Committee on Finance to consider the expediency of reporting the appropriation bills for the support of the Government. The resolution was allowed to lie on the table till January 7, 1856, when it was called up for consideration, and adopted. On the 4th of February, Mr. Hunter, of Virginia, Chairman of the Committee on Finance, reported to the Senate the following resolution: —

"*Resolved*, That the Committee on Finance be instructed to prepare and report such of the general appropriation bills as they may deem expedient."

The resolution was adopted by the Senate, February 7, but this was all. Nothing was done under it.

This attempt was prompted by the protracted contest in the organization of the House of Representatives, when, after one hundred and thirty-three ballotings, Mr. Banks was chosen Speaker, February 2, and the Slave Power received its first check.

In the course of the debate, February 7, Mr. Sumner spoke as follows.

MR. PRESIDENT, — Whatever the Senator from New York [Mr. Seward] touches he handles with a completeness to render anything superfluous from one who follows on the same side; but the opposition which his views have encountered from the Senator from Virginia [Mr. Hunter], and also from the Senator from Georgia [Mr. Toombs], as well as the intrinsic impor-

tance of the question, may justify the attempt to state the argument anew.

We are carried first to the words of the Constitution, which are as follows: —

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."

Under this provision, the annual appropriation bills for the Army, Navy, Post-Office, and civil and diplomatic service, from the beginning of the Government, have originated in the House of Representatives; and this has always been so, I believe, without question. It is now proposed to reverse the standing policy, and to originate such bills in the Senate; and this proposition has the sanction of the Committee on Finance.

The proposition is a clear departure from usage, and on this account must be regarded with suspicion. A slight examination will demonstrate that it tends to subvert well-established landmarks.

By looking at the debates in the Convention which framed the National Constitution, it will be found that this clause was not hastily or carelessly adopted, — that it was the subject of much discussion, and was viewed as essentially important in establishing the system of checks and balances peculiar to our Republic. It was, indeed, part of the compromise between the small States and the large States.

After much consideration, the *equality of the States* was recognized in the Constitution of the Senate, and small States, like Delaware and Rhode Island, were allowed, in this body, equal power with large States, like Virginia and Massachusetts. But this great concession

to the small States was coupled at the time with a condition that "money bills" should originate in the House of Representatives, where the people were represented according to numbers. The language finally employed was, "All bills for raising revenue shall originate in the House of Representatives." This was adopted, as compensation to the large and populous States for their comparative weakness in the Senate.

That I do not go too far, when I call it part of the compromise between the great States and small States, I proceed to show, from the debates in the National Convention, as reported by Mr. Madison, how it was regarded there.

The provision owes its authoritative introduction to Dr. Franklin, who moved it in the committee which subsequently reported it.[1] Afterwards, in Convention, when the clause relating to *equality of votes* was under consideration, we have this report of what he said.

"Dr. Franklin observed, that this question could not be properly put by itself, the Committee having reported several propositions as *mutual conditions of each other*. He could not vote for it, if separately taken, but should vote for the whole together."[2]

Colonel Mason, of Virginia, was of the same opinion, and desired "that the whole might be brought *into one view*."[3]

Mr. Gerry, of Massachusetts, followed up the idea of the mutual dependence of the two propositions, remarking, —

"He would not say that the concession was a sufficient one on the part of the small States; but he could not but regard

[1] Madison's Debates, July 5, 1787, p. 1024, note.
[2] Ibid., July 6, p. 1040. [3] Ibid.

it in the light of a *concession.* It would make it a constitutional principle, that the second branch were not possessed of the confidence of the people in *money matters,*" —

Please, Sir, to mark the breadth of this expression.

— "which would lessen their weight and influence." [1]

Mr. Pinckney, of South Carolina, followed, saying, —

"He thought it evident that the concession was wholly on one side, that of the large States; the privilege of originating *money bills* being of no account." [2]

At a later stage of the debates the subject was resumed, and the two propositions still appear together.

"Mr. Rutledge [of South Carolina] proposed to reconsider the two propositions touching the originating of *money bills* in the first, and the *equality of votes* in the second branch."

"Mr. Sherman [of Connecticut] was for the question on the whole at once. It was, he said, *a conciliatory plan.* It had been considered in all its parts."

"Mr. Luther Martin [of Maryland] urged the question on the whole. He did not like many parts of it. . . . . He was willing, however, to make trial of the plan, rather than do nothing."

"Mr. Gerry [of Massachusetts] did not approve of a reconsideration of the clause relating to *money bills.* It was of great consequence. *It was the corner-stone of the accommodation.*" [3]

At a still later stage Mr. Pinckney moved to strike out the section on money bills, "as giving no peculiar advantage to the House of Representatives, and as clogging the Government." Mr. Gorham "was against allowing the Senate to *originate,* but was for allowing it

[1] Madison's Debates, July 6, 1787, p. 1042.
[2] Ibid., p. 1043.
[3] Ibid., July 14, pp. 1096 - 1098

only to *amend*." Mr. Gouverneur Morris urged, that it was "particularly proper that the Senate should have the right of originating *money bills*. They will sit constantly, will consist of a smaller number, and will be able to prepare such bills with due correctness, and so as to prevent delay of business in the other House." To all this Colonel Mason replied, in the strong language which seems to have been natural to him, that he "was unwilling to travel over this ground again. *To strike out the section was to unhinge the compromise of which it made a part.*"[1]

I might adduce other authorities; but here surely is enough to show that the provision was in reality one of the important compromises of the Constitution.

This brings me, Sir, to the precise meaning of the provision. The seeming indefiniteness of the term, "bills for raising revenue," may alone furnish apology for the present debate. It may be argued, that, while the Senate is placed under certain restrictions, it may nevertheless originate "appropriation bills." This, of course, is a question of interpretation. Does this interdict upon the Senate extend to bills by which money is appropriated to the support of Government, as well as to bills by which it is directly obtained? Are appropriation bills included under the term, "bills for raising revenue"? Now I cannot accord with opinions so confidently expressed by the Senator from Virginia [Mr. HUNTER], and the Senator from Georgia [Mr. TOOMBS], that it was clearly the intention of the Constitution to concede to the Senate the power of originating all appropriation bills; nor, on the other hand, do I assert that such

[1] Madison's Debates, August 8, 1787, pp. 1266, 1267.

exercise of power is in the strict sense unconstitutional. I approach the question as an inquirer anxious to find the real purpose.

Several considerations seem to shed light on the path to our conclusion.

First. The compromise between the small States and large States can be made completely effective, according to obvious intent of the authors of the Constitution, only by interdicting the Senate from originating the great appropriation bills. If this interdict is restricted simply to tariff bills, which occur only at rare intervals, it becomes a very inadequate compensation for the surrender by the large States to the small States in the constitution of the Senate. According to the reason of the rule, the great appropriation bills must be equally within its intendment. The reason is as strong in one case as in the other.

In the debates of the Convention, Dr. Franklin said: —

"As it had been asked what would be the use of restraining the second branch from meddling with *money bills*, he could not but remark, that it was always of importance that the people should know who had disposed of their money, *and how it had been disposed of*."

Please, Sir, to mark these words.

"It was a maxim, that those who feel can best judge. This end would, he thought, be best attained, if *money affairs* were to be confined to the immediate representatives of the people."[1]

Mr. Gerry, in urging the restraint upon the Senate, said: —

"The other branch was more immediately the representa-

[1] Madison's Debates, July 6, 1787, p. 1044.

tives of the people, *and it was a maxim that the people ought to hold the purse-strings.*" [1]

How, Sir, can the people hold the purse-strings, unless they hold the bills by which the purse is appropriated ?

And Colonel Mason broke forth in language clearly revealing his sense of danger against which to guard.

"If the Senate can originate, they will, in the recess of the legislative sessions, hatch their mischievous projects for their own purposes, and have their *money bills* cut and dried (to use a common phrase) for the meeting of the House of Representatives." [2]

I repeat, then, according to the reason of the rule, the great appropriation bills must be embraced by the prohibition.

Secondly. There is a further consideration, founded on the familiar use of the term *money bills* throughout the debates in the Convention, as applicable to bills which the Senate cannot originate. I need not occupy time by reference to instances; but whoever takes the trouble to investigate the matter in Mr. Madison's report of the debates, and also in the report of the Virginia Convention, will find that this term is universally employed, — unless, indeed, where Mr. Gouverneur Morris uses the broader term "money plans," [3] and Mr. Gerry "money matters." [4] Now all these phrases are clearly applicable to "appropriation bills," by which the Government is carried on; and the inference seems irresistible, that the parties who used them must have had such bills in mind.

[1] Madison's Debates, June 13, 1787, pp. 855, 856.
[2] Ibid., August 13, p. 1307.
[3] Ibid., July 6, p. 1041.
[4] Ibid., p. 1043.

In the Virginia Convention objection was made by Mr. Grayson "to the power of the Senate to propose or concur with *amendments to money bills.*" The objection is even to "amendments." He pronounced this "a departure from that great principle which required that the *immediate representatives* of the people only should interfere with *money bills.* . . . . The Lords in England had never been allowed to intermeddle with money bills. He knew not why the Senate should." [1]

Thirdly. This brings me to another consideration, founded on the example of England, which was obviously present to the framers of the Constitution. The Senator from Virginia [Mr. HUNTER] is clearly mistaken on this point. It was often adduced in debate in the National Convention, and, as we have just seen, in the Virginia Convention also. In England the rule is explicit, and of ancient date. As early as July 3, 1678, the Commons resolved: —

"That all aids and supplies, and aids to his Majesty in Parliament, are the sole gift of the Commons; *and all bills for the granting of any such aids and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint, in such bills, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants,* which ought not to be changed or altered by the House of Lords." [2]

In pursuance of this rule, estimates for the annual expenditure are submitted by the Ministry to the House of Commons, sitting as a Committee of Supply. This process is explained as follows.

[1] Elliot's Debates, June 14, 1788, Vol. II. p. 283, ed. 1828.

[2] Journals of the House of Commons, Vol. IX. p. 509. May's Law of Parliament, p. 407, ed. 1851.

"The member of the Administration representing the department for which the supplies are required first explains to the Committee such matters as may satisfy them of the correctness and propriety of the estimates, and then proceeds to propose each grant in succession, which is put from the Chair in these words: 'That a sum not exceeding —— be granted to her Majesty, for the object specified in the estimate.' . . . . The Committee of Supply votes every sum which is granted annually for the public service, — the army, the navy, the ordnance, and the several civil departments."[1]

At the close of the session all the grants are embodied in a bill, which is known as "Appropriation Bill," and, as it is kindred in character to that under our system, doubtless has given its name to ours. This bill is thus described: —

"It enumerates every grant made during the whole session, and authorizes the several sums, as voted by the Committee of Supply, to be issued and applied to each service."[2]

Thus, on three grounds, — first, by the reason of the thing, — secondly, by the familiar use in all the debates of the descriptive term, "money bills," — and, thirdly, by the example of England, — the conclusion is inevitable, that "appropriation bills," *by which the Government is carried on*, are within the spirit of the interdict upon the Senate, and that this body cannot originate such bills without violation of a well-established principle inherited from English jurisprudence, and also without *unhinging*, according to the language of Colonel Mason, that compromise by virtue of which the small States are admitted to equality of representation on this floor.

[1] May's Law of Parliament, pp. 415, 418.

[2] Ibid., p. 425.

I am not unmindful of the fact, on which the Senator from Virginia has dwelt so emphatically, that the Senate is in the habit of originating pension bills, also bills for payment of private claims, and kindred measures. I was glad, to-day, to vote for the bill originating in this body for the relief of our late distinguished Minister at Constantinople.[1] But against this usage, which is exceptional in character, and has probably attracted little attention, from its considerable convenience and little importance, may be opposed the uniform practice by which the great bills providing for the necessities of the Government have always originated in the House of Representatives. And you will bear in mind, Sir, that the question is now on these bills.

Mr. President, it is a received maxim, that it is the part of a good judge to amplify his jurisdiction; but it will hardly be accepted, that it is the part of the American Senate to amplify its powers, particularly in derogation of the popular branch. And it surely cannot escape observation, that the present effort is launched at a moment when the popular branch promises to differ from the Senate on important questions of national policy. I am not insensible to the public convenience, which has been pressed in this debate; but permit me to say, Sir, that, should this convenience require the proposed departure from our standing policy, we shall be wise, if we hearken to the counsels of the Senator from New York, and refrain from any innovation, unless assured of the consent and coöperation of the other House.

[1] Hon. George P. Marsh.

RELIEF OF VESSELS IN DISTRESS ON THE COAST.

LETTER TO THE DIRECTOR OF THE EXCHANGE NEWS-ROOM, BOSTON, FEBRUARY 18, 1856.

SENATE CHAMBER, February 18, 1856.

DEAR SIR, — I have pleasure in acknowledging the receipt of the memorial, forwarded by you from the underwriters and merchants of Boston, and addressed to the Secretary of the Treasury, asking the despatch of immediate relief to the large fleet of vessels now distressed by the rigors of this severe winter on our northern coast. It reached me Sunday morning; but its charitable object did not allow delay, and on that day I placed the memorial in the hands of the Secretary.

I have his verbal answer to-day, expressing great interest in the object of the memorial, but saying, that, beyond the revenue cutter, the Treasury Department has no vessel at Boston which can be detached on this service, and that the cutter was directed some weeks ago to do what it could for the relief of distressed vessels.

Though the memorial was addressed to the Secretary of the Treasury, I felt it my duty to apply to the Secretary of the Navy. He entered into the plan with much benevolence, and expressed a desire to do all that the means at his command would permit. The only vessel at Boston in readiness is the steam-frigate Merrimack, which is about to start on a "trial-trip" of one week,

previous to a cruise of six months. This vessel has already been ordered to make the week's voyage direct from Boston to Norfolk; but the Secretary will give directions that she shall proceed to the Great Banks as far as can be judiciously done, under the circumstances, in order to afford relief to vessels in distress. He would extend the cruise to a longer term at once, but the contractors who have furnished her engines have certain rights which he is bound to respect.

The Secretary authorizes me to say also that he will send further relief, if possible.

I beg you to assure the memorialists that it will give me pleasure to promote the objects of the memorial to the full extent of my power.

Believe me, dear Sir, faithfully yours,

CHARLES SUMNER.

JOHN T. SMITH, Esq., Exchange News-Room.

THE EXAMPLE OF WASHINGTON AGAINST SLAVERY NOT TO BE FORGOTTEN NOW.

LETTER TO A COMMITTEE OF THE BOSTON MERCANTILE LIBRARY ASSOCIATION, FEBRUARY 19, 1856.

WASHINGTON, February 19, 1856.

DEAR SIR, — I have been honored by your invitation to be with the Mercantile Library Association on the 22d instant. You know well the happiness I find in any coöperation with the young men of that Association, and I need not assure you of the gratification with which I should participate in any services calculated to exalt the example of Washington.

Particularly at this moment should it be invoked, when the Republic, which he helped to found, seems to shake with the first throes of civil war, engendered by an interest which was condemned by him during life and formally abjured by him at his death. His great name should now be employed for the suppression of that Slave Power which is the fruitful mother of so much wretchedness. It will not be enough to quote his paternal words for Union: his example must be arrayed against the gigantic wrong which now disturbs this Union to its centre, and, in the madness of its tyranny, destroys the very objects of Union.

The play of Othello without the part of Othello would be a barren spectacle; and the example of Washington, without his testimony against the malevolent force

which disturbs the Republic, would be hardly less barren. Let the young men of Boston be encouraged to dwell on those sentiments and acts which, while they elevate his name, apply with prevailing power to the existing state of things among us. Let them bear in mind that he declared it to be "*among his first wishes* to see some plan adopted by which Slavery in this country may be *abolished by law*," — that, to promote this purpose, he expressed a desire, in a recorded interview with a distinguished foreigner, for the formation of an Antislavery Society, — that on many occasions he condemned Slavery, — that, in congratulations to Lafayette on his purchase of a plantation with a view of emancipating the slaves on it, he exclaimed, "Would to God a like spirit might diffuse itself generally into the minds of the people of this country!" — and that, finally, by his last will and testament, written within six months of his death, he bore his practical testimony to those ideas and aspirations, by the emancipation of his slaves. With these things taken to heart, the example of Washington will exert its just conservative influence over the country, holding it back from the extension of that evil against which he set himself, and arousing the general sentiment to repulse the aggressions which now threaten civil war. Then, indeed, will the Father of his Country have a new birth and influence.

Believe me, my dear Sir, very faithfully yours,

CHARLES SUMNER.

CHARLES G. CHASE, Esq., &c., &c., &c.

CONSTANT EXERTION AND UNION AMONG GOOD MEN.

LETTER TO A MASSACHUSETTS COMMITTEE, FEBRUARY 25, 1856.

THE papers announce, that the following letter, when read, was received with six rousing cheers.

SENATE CHAMBER, February 25, 1856.

MY DEAR SIR, — I cannot be present at the festival in commemoration of the election of Mr. Banks as Speaker. My duties will keep me here.

But with you I rejoice in this triumph of Freedom, which is the first achieved in the National Government, since the recognition, by the earliest Congress under Washington, of the Ordinance prohibiting Slavery in the Northwestern Territory. To advance this victory, and to obtain its just fruits, there must be no relaxation of efforts, but constant exertion, with union among good men, and a determination to yield no jot in the conflict.

To Massachusetts belongs an honorable place at the head of the battle. May no treason or hesitation of any of her sons deprive her of this post!

Yours, faithfully,

CHARLES SUMNER.

F. H. UNDERWOOD, Secretary, &c., &c.

THE ABROGATION OF TREATIES.

Speeches in the Senate, March 6 and May 8, 1856.

The effort to obtain for the Senate the power to abrogate treaties had peculiar interest at this time, from the known desire of certain Senators to terminate the stipulation between the United States and Great Britain, requiring a naval force on the coast of Africa for the suppression of the slave-trade. In 1854 Mr. Slidell brought forward a proposition to this effect in Executive Session, assuming that the stipulation could be terminated by a simple vote of the Senate. Mr. Sumner insisted that the prerogative belonged to the law-making power, and could be exercised only by Act of Congress. By his effort the proposition was defeated.

The power of the Senate over the abrogation of treaties was brought forward in Legislative Session, on the motion of Mr. Sumner, in connection with the Danish Sound dues, being the tax at Elsinore laid by Denmark upon the cargoes of vessels passing through the Sound into and out from the Baltic Sea. In 1841, Mr. Webster, as Secretary of State, traced the origin of this tax to the treaty of 1645 between Denmark and Holland, embracing a tariff of the principal articles then known in commerce; which treaty was the basis of our own concluded with Denmark in 1826, and limited to continue ten years from date, and further until the end of one year after notice by either party of an intention to terminate it; but he contented himself with recommending friendly negotiations, "with a view of securing to the commerce of the United States a full participation in any reduction of these duties, or the benefits resulting from any new arrangements respecting them which may be granted to the commerce of other states."[1] In 1848, Mr. Buchanan, as Secretary of State, instructed our Minister at Copenhagen, that, "under the public law of nations, it cannot be pretended that Denmark has any right to levy duties on vessels passing through the Sound from the North Sea to the Baltic." President Pierce, in his annual message of 1854, proposed to terminate the treaty of 1826; the

[1] Webster's Works, Vol. VI. pp. 406, 409.

Senate, by simple resolution in Executive Session, March 3, 1855, undertook to terminate it; and the President, in his annual message of 1855, announced that the proper notice had been given to Denmark.[1]

Mr. Sumner, impressed with the conviction that this notice was a bad precedent, and in the interest of the Slave Power, which controlled the Senate, besides being inadequate under the Constitution, brought forward the following resolution: —

"*Resolved*, That the Committee on Foreign Relations be directed to consider the expediency of some act of legislation, having the concurrence of both Houses of Congress, by which the treaty with Denmark regulating the payment of Sound dues may be effectively abrogated, in conformity with the requirements of the Constitution, under which every treaty is a part of 'the supreme law of the land,' and in conformity with the practice of the Government in such cases, — and especially to consider if such legislation be not necessary forthwith, in order to supply a defect in the notice of the purpose of the United States to abrogate the said treaty, which the President has undertaken to give to Denmark without the authority of an Act of Congress, and in disregard of the function of the House of Representatives in the abrogation of all existing laws."

On his motion the Senate proceeded to its consideration, March 6 when he spoke as follows.

MR. PRESIDENT, — If I can have the attention of the Senate for a brief time, I will explain the object of this inquiry. The subject may be dry, but it is important, and, at this moment, of direct practical interest.

The President in his annual message named three different questions, arising out of our relations with foreign nations. Two of these, concerning England, have been discussed in the Senate; the other, which concerns the payment of the Sound dues to Denmark, has not yet been mentioned here. Introducing it now, I have no purpose to say anything on the character of these dues, or to arrest the efforts of the Government for the relief of our commerce from foreign exactions.

[1] Wheaton, Elements of International Law (ed. Lawrence, 1863), note, pp. 334, 335, Part II. Ch. 4.

That is a broad field of history and of public law, which for the present there is no occasion to enter. My desire is simply to open a question of domestic interest under our own Constitution, with which, of course, Denmark has no concern, but which is necessarily involved in the determination of our course on this matter.

The President, in his annual message, announces: —

"In pursuance of the authority conferred by a resolution of the Senate of the United States, passed on the 3d of March last, notice was given to Denmark, on the 14th day of April, of the intention of this Government to avail itself of the stipulation of the subsisting convention of friendship, commerce, and navigation, between that kingdom and the United States, whereby *either party* might, after ten years, terminate the same at the expiration of one year from the date of notice for that purpose."[1]

The treaty, it will be noted, reserves to *either party* — that is, to *either of the Governments* between whom it is made — the privilege of terminating it by notice; and the President, without the sanction of an Act of Congress, but simply in pursuance of a resolution of the Senate, passed in Executive Session, *has constituted himself the Government*, so far as to give such notice, and by such notice to abrogate the treaty. Acting under his instructions, our Minister at Copenhagen, on the 14th of April, 1855, notified the Danish Government, that, —

"After the expiration of one year from the date of this communication, the United States will regard the general convention of 'friendship, commerce, and navigation,' agreed upon by Denmark and themselves on the 26th of April, 1826, as *finally abrogated*, and that after that period its provisions will not be binding upon our Government."[2]

[1] Exec. Doc., 34th Cong. 1st Sess., 1855–56, No. 1, p. 9. [2] Ibid., p. 30.

Thus undertaking, merely with the consent of the Senate, and without the concurrence of the House of Representatives, to abrogate a treaty, the President has assumed a power inconsistent with the Constitution, and disowned by the practice of the Government, adopted, after debate, on leading occasions. Such a usurpation cannot be justified by the good that is sought; for that good might have been sought, and may still be sought, by another course, in entire harmony with the Constitution and the practice of the Government. Nor will any temporary purpose justify the removal of constitutional safeguards.

The Constitution declares that the President "*shall have power*, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur"; but it does not declare that the President, by and with the consent of the Senate, shall have power to abrogate treaties. The absence of all language conferring this extraordinary power is itself an unanswerable argument against the existence of the power. But we are not left to found our conclusion even on irresistible inference. There are explicit words of the Constitution, which determine it beyond doubt. It is declared, that —

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, AND ALL TREATIES MADE *or which shall be made under the authority of the United States*, SHALL BE THE SUPREME LAW OF THE LAND."

Thus declaring treaties to be "the supreme law of the land," the Constitution not only gives to them the highest authority, but places them under the highest safeguard known to our institutions. When once made, they are obligatory on our side as *laws*, and can be ab-

rogated by no power less than that which may abrogate existing laws. Not the President alone, not the President and Senate, can set them aside; but for this purpose the whole power of the Government must be invoked, in its most solemn form, by Act of Congress. In conformity with this requirement, the power to declare war, involving, of course, the abrogation of treaties, is expressly lodged with Congress. The President, with the consent of the Senate, cannot declare war; and it is difficult to see what greater power he possesses in the abrogation of a treaty, involving possibly the rupture of friendly intercourse with a foreign nation, and involving certainly the overthrow of what the Constitution declares to be the supreme law.

Thus placing treaties under all the sanctions of law, I follow the best authorities. The eminent commentator, Mr. Justice Story, in speaking of them, gives them this character. Expounding this very clause, he says: —

"It is therefore indispensable that they should have the obligation and force of a law, that they may be executed by the judicial power, *and be obeyed like other laws.* This will not prevent them from being cancelled or abrogated by the nation, upon grave and suitable occasions; for it will not be disputed *that they are subject to the legislative power, and may be repealed, like other laws, at its pleasure.*"[1]

And the Supreme Court of the United States affirm the same principle.

"A treaty is in its nature a contract between two nations, not a legislative act. . . . . In the United States a different principle is established. *Our Constitution declares a treaty to be the law of the land.* It is consequently to be re-

[1] Commentaries on the Constitution, § 1838.

garded in courts of justice as *equivalent to an Act of the Legislature*, whenever it operates of itself, without the aid of any legislative provision." [1]

This is a decision comparatively recent. But early in our history the authority of treaties was much considered by the Supreme Court, in the famous case of *Ware* v. *Hylton et al.*, 3 Dallas, 199 – 285, and we find judges from opposite sections of the country arriving at the same conclusion. Mr. Justice Cushing, of Massachusetts, said : —

"The treaty . . . . is of *equal force* with the Constitution itself, and *certainly with any law whatsoever*." [2]

Mr. Justice Iredell, of North Carolina, passed directly upon the power of Congress, asserting that to this body alone was given the power to abrogate a treaty under our Constitution. These are his words : —

"It is a part of the Law of Nations, that, if a treaty be violated by *one party*, it is at the option of *the other party*, if innocent, to declare, in consequence of the breach, that the treaty is void. *If Congress, therefore, who, I conceive, alone have such authority under our Government*, shall make such a declaration in any case like the present, I shall deem it my duty to regard the treaty as void." [3]

In practical illustration of the legal character attributed to treaties, it will be observed that they are published with *the Laws of the United States*, and constitute part of this collection, being bound between the same covers ; and I submit that the President and Senate might undertake to tear out a leaf from the Statutes at Large with as much propriety as to tear out an existing treaty.

[1] Foster et al. *v.* Neilson, 2 Peters, 314.
[2] Ware *v.* Hylton et al., 3 Dallas, 284. [3] Ibid., 261.

Such is the rule of the Constitution, in conformity with which is the practice of the country. Never before has the President assumed to act without the House of Representatives in the performance of this duty.

This question arose early after the adoption of the Constitution, in our relations with France; and you will find, Sir, on our statute-book the evidence of the way in which it was regarded. In 1798, the existing treaties with France were abrogated by Act of Congress, which, after a preamble, proceeded as follows: —

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States are of right freed and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."[1]

This very Act of Congress originated in the Senate, which at that day undertook to exercise no such power as is now claimed. It was not passed hastily, or without debate. The subject of our relations with France was referred to a committee of that body on the 29th of November, 1797. After the lapse of months, on the 21st of June, 1798, Mr. Goodhue, from that committee, reported a bill to abrogate existing treaties with that nation, which passed the Senate on the 23d of June, by a vote of thirteen yeas to five nays. On the 25th it was carried to the House of Representatives, where it was referred to the Committee of the Whole on the State of the Union, fully debated, and finally passed on

[1] 1 United States Statutes at Large, 578.

the 6th of July. In the course of the debate, *treaties were recognized as laws, to be abrogated only by Act of Congress.* A Representative from Massachusetts, afterwards an eminent judicial character, Mr. Sewall, put this point in these words: —

"It is certainly a novel doctrine to pass a law declaring a treaty void; but the necessity arose from the peculiar situation of this country. In most countries it is in the power of the Chief Magistrate to suspend a treaty, whenever he thinks proper. *Here Congress only has that power.*" [1]

This view was in no respect controverted or questioned. On the contrary, it was recognized by the whole debate. Mr. Dana, of Connecticut, said: —

"France has violated the faith pledged by her treaties with America. This, by the Law of Nations, *puts it within the option of the Legislature to decide,* as a question of expediency, whether the United States shall any longer continue to observe their stipulations." [2]

Mr. Gallatin, whose position in our public affairs was afterwards so justly distinguished, employed the very language applicable to laws, when he spoke of the proposed abrogation of the treaty as a *repeal.*

"He knew of no precedent of a Legislature *repealing a treaty.* It is therefore an act of a peculiar kind, and it appeared to him necessary that *Congress* should justify it by a declaration of their reasons. . . . . It is not sufficient to say, that, because a treaty has been violated, *we will repeal it.*" [3]

Such is the first and leading precedent in our history. The next is more recent, and of hardly less importance.

[1] Annals of Congress, 5th Cong., 1797 – 1799, col. 2120.
[2] Ibid., col. 2123.
[3] Ibid., col. 2126.

It was the notice to Great Britain of the termination of the convention of 1827, relating to the joint occupancy of certain parts of Oregon. This was not done by the President, with the advice of the Senate in secret session, but by Act of Congress. President Polk, in his annual message of 2d December, 1845, called upon Congress to act. These are his words: —

"Under that convention, a year's notice is required to be given by *either party* to the other, before the joint occupancy shall terminate, and before either can rightfully assert or exercise exclusive jurisdiction over any portion of the territory. This notice it would, in my judgment, be proper to give; *and I recommend that provision be made by law for giving it accordingly*, and terminating in this manner the convention of the 6th of August, 1827."[1]

In pursuance of this recommendation, *provision was made by law for this notice.* You will remember, Sir, the debate which for months occupied both Houses of Congress, and was closed by the passage of a joint resolution, approved 27th April, 1846, which, after a preamble, proceeds as follows.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the Government of Great Britain the notice required by the second article of the said convention of the sixth of August, 1827, for the abrogation of the same."[2]

This instance is particularly in point; for the treaty was terminated, in accordance with its stipulations, by notice from the United States, — precisely as it is now

[1] Executive Documents, 29th Cong. 1st Sess., No. 2, p. 11.
[2] 9 United States Statutes at Large, pp. 109, 110.

proposed to terminate the treaty with Denmark. And the notice given to Great Britain with regard to the treaty is declared to be "for the abrogation of the same."

Such, Sir, is the rule of the Constitution, sustained by authoritative precedents, in the abrogation of successive treaties with two powerful nations, France and Great Britain. Surely there cannot be one rule for large nations and another for small nations; nor will any one argue that a treaty with France or Great Britain can be abrogated only by Act of Congress, but a treaty with Denmark may be abrogated by the President without an Act of Congress. And yet, in apparent harmony with this fallacious distinction, the Executive, merely with the consent of the Senate, obtained in secret session, assumes to abrogate a treaty with weaker Denmark, and has given notice that this abrogation will take effect on the ensuing 14th of April. Not content with the *treaty-making* power which it possesses under the Constitution, it assumes the *treaty-abrogating* power, which it does not possess. And this assumption becomes more objectionable, when it is considered how completely it excludes the House of Representatives from an important function in the Government. Louis the Fourteenth, in the pride of conscious power, exclaimed, "I am the State"; and permit me to say, that our own Executive, undertaking to act in this matter without the sanction of Congress, effectively makes the same declaration. To the Senate is justly accorded large powers; but it now assumes more. Only lately it authorized the origination of the great appropriation bills, constituting the mainspring of the Government, in defiance of uninterrupted usage, and, as I submit, the spirit of the Constitution. What next, Sir? "Glamis thou art, and Cawdor!" And where, Sir, in this career of aggrandizement, will you stop?

Whatever may be the merits of the existing controversy with Denmark, I trust that the President will not clutch so eagerly at the promised fruits as to disregard the requirement of the Constitution, and the voice of the popular branch, in the repeal of an existing law. In vain you will urge the good accomplished. To do even a great right, it is not safe to do even a little wrong. At all events, I call attention to this extraordinary assumption, that it may not be recorded for a precedent. I call attention to it, also, that the needful steps may be taken forthwith, in order to make effective the notice which has been given, without due authority under the Constitution. The treaty with Denmark is at this moment part of the supreme law of the land, and can be abrogated only by Act of Congress.

A debate ensued, in which the conclusions of Mr. Sumner were maintained by Mr. Seward, of New York, Mr. Fessenden, of Maine, Mr. Collamer, of Vermont, Mr. Crittenden, of Kentucky, and Mr. Stuart, of Michigan, — and controverted by Mr. Mason, of Virginia, Mr. Toucey, of Connecticut, and Mr. Cass, of Michigan. Mr. Mason proposed to amend the pending resolution by striking out the second clause, which amendment Mr. Sumner at once accepted, and closed the debate as follows.

Mr. President, — My desire is simply to bring the question before the Committee, and, to accomplish this, I shall not stand on the form of the resolution. I am aware that it is argumentative, and involves, perhaps, a reflection upon the course of the Executive; but I adopted this form purposely, from a desire that the resolution should tell the whole story on its face, and speak for itself. The ample debate that has occurred supersedes all such desire. The subject is fully before the Senate, and I doubt not will receive the attention of the Committee.

In introducing this question, I remarked that it was of domestic concern under our own Constitution, with which, of course, Denmark has nothing to do. All references, therefore, to that power have been superfluous, if not illogical. Her consent is not sought in the proposed termination of the treaty. On the contrary, it will be terminated against her desires. We must look for our rule of conduct to our own Constitution. This I assume as an undeniable postulate.

The discussion, though protracted, has not been unprofitable; but at each stage we have been brought back to the clear and unmistakable distinction between the power to make treaties and the power to abrogate them, under the Constitution. The President, by and with the advice and consent of the Senate, may make treaties; but there is nothing in our Constitution conferring upon them the power to abrogate treaties. To attribute to them any such power is to go beyond the Constitution. Nor has any Senator distinctly, and in terms, claimed for them this power. On the contrary, I think that Senators on the other side — both the Senator from Virginia and the Senator from Connecticut — admit that a treaty cannot be abrogated, except by virtue of an Act of Congress. I understood the Senator from Connecticut to make this admission, and I believe the Senator from Virginia did also.

Mr. Mason nodded assent.

Mr. Toucey. I mean, except by Act of Congress or a new treaty.

Mr. Sumner. I put aside the whole idea of a new treaty, constituting in itself a new transaction, and involving the concurrence of the foreign power. The

President and Senate, with the concurrence of a foreign power, may, of course, make a new treaty; but we are now dealing with the case where the whole proceeding is without any such concurrence. The question does not turn on the *treaty-making* power, but on the *treaty-abrogating* power. And I come back again to the admision of both Senators, that a treaty can be abrogated only by Act of Congress. This admission is important, and, as it seems to me, conclusive.

But here a distinction is made by these Senators between treaties which contain no provision for their termination and treaties which contain such provision. And I understand the Senator from Virginia to maintain that a treaty terminated in pursuance of such a provision is not *abrogated.* This is strange; for in both cases the treaty is brought to an end by our special intervention, and this is done *without the concurrence of the other contracting party.* If this is not the abrogation of a treaty, I do not see what can be. You may, if you choose, call it by a softer term, but still it is the same thing. The treaty is invalidated, or made to cease. But I will not argue this question. I submit to Senators opposite, who have maintained their views with so much constancy, that their position is not tenable; I say this frankly, but with entire respect for their learning and ability. The same power must be invoked to terminate a treaty containing a provision for its termination, on notice from *either party,* as to terminate a treaty containing no such provision; and in both cases the treaty may properly be said to be abrogated. The single distinction between the two cases is, that the treaty in one case is abrogated in defiance of the other party, and perhaps on hostile ground, while in the

other case it is abrogated in pursuance of a power specially reserved, and therefore without any just cause of offence; but in both cases the life of the treaty is destroyed by our act. Permit me to add, that the distinction made between these two classes is a distinction without a difference, and the admission that a treaty can be abrogated only by Act of Congress is as applicable to one class as to the other: it settles the question.

I rest, then, confidently in the conclusion, that a treaty is part of the supreme law of the land, and cannot be set aside, terminated, superseded, disclaimed, repealed, or abrogated, except by the exercise of the highest power known to the Constitution, embodying the collected will of the whole people in a legislative act, under the sanction of the Senate and House of Representatives of the United States in Congress assembled.

The resolution, as modified, was adopted.

On the 7th of April, Mr. Mason, from the Committee on Foreign Relations, reported the following resolution.

"*Resolved*, That the notice which has been given by the President to Denmark, pursuant to the resolution of the Senate of the 3d of March, 1855, to terminate the treaty with that power of the 26th of April in the year 1826, is sufficient to cause such treaty to terminate and be annulled to all intents whatsoever, pursuant to the eleventh article thereof, and that no other or further act of legislation is necessary to put an end to said treaty, as part of the law of the land."

This was considered May 8th, 1856, when Mr. Sumner spoke as follows.

Mr. President, — As this subject was originally brought before the Senate on my motion, I hope to be indulged while I state briefly what seems to be the true state of the question.

By the usage of most countries, the war-making

power, the treaty-making power, and the treaty-abrogating power are all lodged in one and the same body. For instance, in England, the Queen in council declares war, makes treaties, and also abrogates treaties: so also do the other sovereigns of Europe. This is the growth of custom, and has become European constitutional law. But it is otherwise in the United States, where, according to the Constitution, the war-making power is expressly lodged in Congress, while the treaty-making power is expressly lodged in the President, acting with the advice of two thirds of the Senate. Nothing express appears in the Constitution with regard to the treaty-abrogating power. We are left to argument and inference, in order to ascertain whether this great attribute belongs with the war-making power to Congress, or with the treaty-making power to the President and Senate.

To me there are three considerations, each of which seems to be decisive, while the three combined compel us irresistibly to the true conclusion.

First. In the absence of any express words in the Constitution, the power to abrogate treaties should not be attributed to any *mere fraction* of the Government, as to the President, or to the President and Senate, nor to any branches short of the whole Government embodied in an Act of Congress. In view of the magnitude of the power, I am at a loss to see how any other conclusion can be adopted on this point.

Secondly. The Constitution has expressly lodged the war-making power in Congress, and, in doing so, seems by implication to have placed the treaty-abrogating power in the same body; for the latter seems to be an incident of the former. The abrogation of a treaty may be the prelude of war; indeed, it may practically amount to a

declaration of war. The powers, though differing in degree, are kindred in character, and should go together.

Thirdly. The Constitution has stepped forward, and expressly declared that treaties shall be "the supreme law of the land"; and I know no way in which these words can have complete efficacy, unless they are held to impress upon treaties *the character of law, so that they will not only be recognized as such by the courts, but also be irrepealable except by Act of Congress.*

And this conclusion is confirmed by the practice of the Government on two important occasions, in abrogating all subsisting treaties with France in 1798, and in abrogating the convention with England relating to Oregon as late as 1846. I do not dwell on these instances, or their authoritative character; for I went over them at length on a former occasion. Now, for the first time in our history, an opposite practice is adopted, contrary to precedents, and also, as it seems to me, contrary to reason. It is proposed to terminate a subsisting treaty with Denmark, establishing reciprocal privileges of trade, and especially regulating the payment of Sound dues, without any Act of Congress, but simply by virtue of a resolution of the Senate. The novelty of this course creates an impression against it. But this is vindicated by the Committee on Foreign Relations, in an elaborate report, on the ground of a peculiar provision in the treaty, as follows.

"The present convention shall be in force for ten years from the date hereof, and further until the end of one year *after either of the contracting parties* shall have given notice to the other of its intention to terminate the same, — *each of the contracting parties* reserving to itself the right of giving such notice *to the other* at the end of the said

term of ten years; and it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received *by either from the other party*, this convention and all the provisions thereof shall altogether cease and determine."

It is admitted, as I understand, that, without this provision, the treaty could not be terminated, except by Act of Congress; but it is said, that, under this provision, no such Act is required. It is difficult to understand the ground of this distinction; for there is nothing in this provision to take power from Congress and confer it upon the Senate alone. Point out the words, if they exist. They are not there. How, then, can you infer them? The treaty is to be terminated on notice from *either party;* and this notice must proceed from *the same power* which, in the absence of such provision, would be competent to act. The mode of action is different, but *the acting power* is the same in both cases.

This treaty may be terminated on notice from "either of the contracting parties." In other treaties, having a similar provision, other equivalent terms are employed: as in the treaty with Greece in 1837, and with Sardinia in 1838, where the term "high contracting parties" is employed; the treaty with Hanover in 1840, and with the Hanseatic Republics in 1852, where the term "Government of the United States on the one part" is employed; and, again, in the treaty with New Granada in 1844, where the term "one of the two Governments" is employed. These terms are all identical in meaning; and they signify that the notice in all cases must be *an act of the Government.*

Who, then, for this purpose, is the Government, under the Constitution of the United States? Surely, the

power that can abrogate a treaty, and nothing short of this; and this power, we have already seen, is represented by an Act of Congress alone.

The Committee in their report, undertake to set forth the difference between treaties which contain no provision for their termination and those which do contain such provision, as follows.

"The distinction in the character of the acts, in the one class of treaties and in the other, consists in this: that in the first class, as in the treaties with France in 1798, they were annulled as to the other party, *se invito;* in the second, in the case with England, they became null with the assent of that power previously given."

Permit me to say that this does not seem to be a correct statement of the difference between the two classes; for in both cases the treaties were annulled contrary to the desire of the opposite party; and it is notorious that the pending proceedings to annul the treaty with Denmark are contrary to the desire of that power. No, Sir: the difference between the two cases must be found in something else, which seems to me palpable and unmistakable. It is this.

By the Law of Nations, in the absence of any express stipulation, a treaty is of perpetual obligation on both parties, — to be abrogated only by a new treaty having the assent of both parties, or by the act of one party, alleging bad faith or hostile intent in the other, and on this account declaring before the civilized world a release from all its obligations. Such an act not only operates upon the other party *in invitum*, but it is also *offensive in character*. But if any express stipulation is introduced, authorizing the termination of the treaty

on notice from either party, then it may be abrogated in conformity to the stipulation, even contrary to the desire of the opposite party, *without giving cause of offence;* and this will be found to be the sole practical distinction between the two cases. In both, the same *power* must be invoked; but it acts in different ways.

The question in the present case is of importance in two aspects: *first,* as it involves the determination of a question of political power under our Constitution; and, *secondly,* as it may affect the interest of private individuals.

In the first aspect, the question would not be unimportant, constitutionally, if the treaty with Denmark were the only one affected by it; but the frequency of the provision in recent treaties adds to its interest. Unknown in early days, it makes its first appearance as late as 1822 in a treaty with France, and then in 1826 in this very treaty with Denmark; but it has been repeated constantly since. Here is a list, now in my hand, of no less than *forty-six* different treaties of the United States with *thirty-two* different foreign powers, in which this provision will be found. Among these is the important stipulation with Great Britain, under which a squadron is kept on the coast of Africa for the suppression of the slave-trade; and you are now to determine whether the Senate will assume to itself the extraordinary power now claimed over all these treaties, or will leave it in the hands of Congress. And, still further, if this power is assumed by the Senate, can it be exercised by a mere majority, or will a vote of two thirds be required? How shall this question be decided? This very difficulty of detail helps point to the true conclusion. But here is the list.

Memorandum of Treaties containing provision for their termination.

With what country made.	Date.	Article.	Vol. of Laws.	Pages.
France	24 June, 1822	7	8	280
"	9 Nov., 1843	6	8	582
"	23 Feb., 1853	13	10	999
Denmark	26 April, 1826	11	8	342
Sweden and Norway	4 July, 1827	19	8	356
Great Britain	6 August, 1827	2	8	360
" "	6 August, 1827	2	8	362
" "	9 August, 1842	11	8	577
" "	15 Dec., 1848	22	9	970
" "	5 June, 1854	5	10	1092
Hanseatic Republics	20 Dec., 1827	10	8	370
" "	30 April, 1852	2	10	962
Prussia	1 May, 1828	15	8	386
"	16 June, 1852	5	10	967
Brazil	12 Dec., 1828	33	8	397
Austria	27 August, 1829	12	8	401
"	8 May, 1848	5	9	947
Mexico	5 April, 1831	34	8	426
"	2 Feb., 1848	17	9	935
Chile	16 May, 1832	31	8	440
Russia	6–18 Dec., 1832	12	8	450
Venezuela	20 Jan., 1836	34	8	482
Morocco	16 Sept., 1836	25	8	487
Peru-Bolivian Confed'n	30 Nov., 1836	30	8	495
Greece	10–22 Dec., 1837	17	8	506
Sardinia	26 Nov., 1838	19	8	520
Netherlands	19 Jan., 1839	6	8	526
"	26 August, 1852	6	10	985
"	22 Jan., 1855	15	10	1156
Ecuador	13 June, 1839	35	8	550
Hanover	20 May, 1840	9	8	558
"	10 June, 1846	11	9	866
"	18 Jan., 1855	5	10	1141
Portugal	26 August, 1840	14	8	568
New Granada	6 March, 1844	11	8	586
" "	12 Dec., 1846	35	9	899
Belgium	10 Nov., 1845	19	8	612
Two Sicilies	1 Dec., 1845	12	9	841
Swiss Confederation	18 May, 1847	3	9	903
Mecklenburg-Schwerin	9 Dec., 1847	11	9	920
Guatemala	3 March, 1849	33	10	888
Hawaiian Islands	20 Dec., 1849	16	9	982
San Salvador	2 Jan., 1850	35	10	898
Costa Rica	10 July, 1851	13	10	924
Peru	26 July, 1851	40	10	946
Bavaria	12 Sept., 1853	5	10	1025

Are you aware, Sir, of the extent to which the abrogation of this treaty may affect private interests, and therefore directly raise for the judgment of the courts the question of the validity of your proceeding? By this treaty Danish ships and cargoes are put upon the footing of those of the most favored nations, and exempted from discriminating duties; but these privileges must, of course, cease with the treaty. Now, if a Danish vessel should arrive in the coming month at New York, from St. Thomas, or at San Francisco, on her way from Manila, as has latterly happened, the question would at once be presented, whether the treaty had been legally abrogated, so as to expose the vessel and cargo to the discriminating duties and fees? That I may not seem to imagine a case, I call your attention to a list of these duties and fees.

[Here Mr. Sumner went into details which are omitted. At this stage he was interrupted by a question from a Senator.]

Mr. Clayton. I wish to ask the Senator, whether, in his judgment, supposing the treaty to be abrogated, our Act of Congress of 1828 would not authorize the executive department of the Government to admit free of duty any articles from Denmark?

Mr. Sumner. The Senator is, perhaps, right. The President may remit these discriminating duties; but I believe he can do it only after information from Denmark as to her course. He cannot do it *at once;* and I now refer to these duties simply to show that at this moment, while I speak, a practical question may arise in our courts, or at our custom-houses, as to the validity of the act of abrogation.

These things will at least make you hesitate before you assert a power which is without precedent, and which at a former day was disowned in this very case. By referring to the published diplomatic correspondence, it appears that Mr. Buchanan, when Secretary of State, in a letter to our representative at Copenhagen, dated 14th October, 1848, twice over recognized this power in Congress. "*Congress* may, therefore, at any moment, authorize the President to terminate this convention." Mark, Sir, he did not say the Senate, but Congress. And then again he says: "It is probable that two years might elapse before the existing convention could be terminated, AS AN ACT MUST FIRST PASS CONGRESS *to enable the President to give the required notice, after which a year must expire before it could be rendered effectual.*" [1] It appears, also, that the House of Representatives, proceeding on this understanding, had already initiated a joint resolution on this subject, and therefore were in some measure seized of it, when the Senate undertook to act alone. It seems to me that the course you have commenced should be retraced, and that a joint resolution, or Act of Congress, for the abrogation of the treaty, should be introduced at once, if it is considered, in the present state of negotiations on this question among the European nations, that the abrogation of the treaty should be pressed immediately.

I desire the opinion of the Senate simply on the necessity of present action by joint resolution, — leaving to another time, or to the Committee, the question, whether the joint resolution shall be prospective in its operation, or retroactive, so as to take advantage of the notice already given? In order to have a decision of

[1] Executive Documents, 33d Cong. 1st Sess., 1853 – 54, No. 108, pp. 40, 42.

this single point, I move to strike out all of the resolution now pending after the word "*Resolved*," and insert as follows: —

"That the Committee on Foreign Relations be instructed to report a joint resolution of Congress, providing for the effectual termination of the convention with Denmark of the 26th of April, 1826."

The subject was debated by Mr. Stuart, Mr. Clayton, Mr. Hale, Mr. Bayard, Mr. Toombs, Mr. Collamer, Mr. Benjamin, and Mr. Crittenden, when the Senate adjourned without a vote. It rested for a long time, when, on July 22d, while Mr. Sumner was absent from the Senate, disabled by injuries, Mr. Mason moved it again. The Senate refused to consider it by a vote of sixteen ayes to twenty noes, and from that time it was abandoned. Since then treaties have been abrogated by Act of Congress, and this may be considered the established rule.

The question of the Sound Dues, out of which this debate arose, was settled by "friendly negotiation," according to the original suggestion of Mr. Webster. An arrangement was made by the different powers of Europe, March 14, 1857, capitalizing the tax levied by Denmark, and assuming in ratable proportions the payment of the full sum on condition that the tax should cease. The United States kept aloof from this arrangement, but by separate treaty, April 11, 1857, obtained the same immunity by paying 717,829 rix dollars, with the further recognition of the treaty of 1826, except the article on the Sound Dues.[1]

[1] United States Statutes at Large, Vol. XI. p. 720. Wheaton, Elements of International Law (ed. Lawrence, 1863), note, p. 335, Part II. Ch. 4.

REPLY TO ASSAULTS ON EMIGRATION IN KANSAS.

Speech in the Senate, on the Report of the Committee on Territories, March 12, 1856.

The terrible strife which began with the Kansas and Nebraska Bill was at its height during the winter. Freedom and Slavery were at a death-grapple in the Territory. Organized bands proceeded from the South, which were encountered by peaceful emigration from the North. The whole country was aroused. South and North were in a flame. On the one side there was a persistent effort to subject the Territory to Slavery; on the other side an equally persistent effort to save it to Freedom. At this stage, Mr. Douglas, from the Committee on Territories, presented a very long Report, purporting to be on the affairs of Kansas, where everything was represented unfavorably to the Northern emigrants, and especially to the Emigrant Aid Society of Massachusetts. This Report was read at the desk by its author, a course to which the Senate was not accustomed. Mr. Collamer presented a Minority Report, which he read at the desk also. As soon as the reading was over, Mr. Sumner took the floor and made the following remarks.

MR. PRESIDENT,—In those two reports the whole subject is presented characteristically on both sides. In the report of the majority the true issue is smothered; in that of the minority the true issue stands forth as a pillar of fire to guide the country. The first proceeds from four Senators; but against it I fearlessly put that report signed by a single Senator [Mr. Collamer], to whom I offer my thanks for this service. Let the two go abroad together. Error is harmless, while reason is left free to combat it.

I have no desire to precipitate the debate on this important question, under which the country already shakes from side to side, and which threatens to scatter from its folds civil war. Nor, indeed, am I disposed to enter upon it, until I have the opportunity of seeing in print the elaborate documents which have been read to-day. But I cannot allow the subject to pass away, even for this hour, without repelling at once, distinctly and unequivocally, the assault which has been made upon the Emigrant Aid Company of Massachusetts. That Company has done nothing for which it can be condemned under the laws and Constitution of the land. These it has not offended in letter or spirit, — not in the slightest letter, nor in the remotest spirit. It is true, it has sent men to Kansas ; and had it not a right to send them? It is true, I trust, that its agents love Freedom and hate Slavery; and have they not a right to do so? Their offence has this extent, and no more. Sir, to the whole arraignment of that Company, in the report of the Committee on Territories, I now for them plead, "Not guilty!" and confidently appeal to the country for that honorable acquittal which is due to their patriot services.

The outrages in Kansas are vindicated or extenuated by the alleged misconduct of the Emigrant Aid Company. Very well, Sir; a bad cause is naturally staked on untenable ground. You cannot show the misconduct. Any such allegation will fail. And you now begin your game with loaded dice.

UNION TO SAVE KANSAS, AND UNION TO SAVE OURSELVES.

Letter to a New York Committee, April 28, 1856.

Senate Chamber, April 28, 1856.

DEAR SIR, — I cannot be at your proposed meeting, where are to assemble the patriotism, intelligence, and wealth of the metropolis; but I recognize its importance, and cry to it *God-speed!*

The work before us is plain. Kansas must be saved from a tyrannical usurpation, under which Slavery has been forcibly established on Free Soil. This is the special object of labor to which we are summoned by every consideration of regard for that distant Territory, and also by every sentiment of love for our common country. But this can be done only by her immediate welcome into the Union, under her present Constitution, as a Free State, — of course without recognition of the usurping Tyranny. Upon this we must insist, as the means essential to the end.

In achieving this result, an incidental good will be accomplished, which of itself should impel us to any exertion. The Slave Oligarchy has staked its power in the National Government upon the support of this usurpation. In the madness of its despotism, it has selected a position the least tenable of all its assumptions. To dislodge it from this position, and at the same time from its disgusting supremacy in the Na-

tional Government, will be one and the same work. And all this will be easy to do, if the good people of the populous North, forgetting past differences, will but rally together. *Union to save Kansas, and Union to save ourselves,* should be the watchword.

Believe me, dear Sir, very faithfully yours,

CHARLES SUMNER.

E. D. MORGAN, Esq., Chairman, &c.

THE CRIME AGAINST KANSAS:

THE APOLOGIES FOR THE CRIME; THE TRUE REMEDY.

Speech in the Senate, May 19 and 20, 1856.

> Such busy multitudes I fain would see
> Stand upon Free Soil with a people free.
>
> Goethe, *Faust*, Part II. Act V.

Nihil autem gloriosius libertate præter virtutem, si tamen libertas recte a virtute sejungitur. — John of Salisbury, *Polycraticus*, Lib. VII. cap. 25.

On the 17th of March, 1856, Mr. Douglas introduced "A Bill to authorize the People of the Territory of Kansas to form a Constitution and State Government, preparatory to their Admission into the Union, when they have the requisite Population." Subsequently, Mr. Seward moved, by way of substitute, another bill, providing for immediate action, and entitled "A Bill for the Admission of the State of Kansas into the Union." Debate ensued, and was continued by adjournment from time to time. In the course of this debate, on the 19th and 20th of May, Mr. Sumner made the following speech.

This speech found unexpected audience from an incident which followed its delivery. It became a campaign document in the Presidential election then at hand, and was circulated by the hundred thousand. Besides reprint in newspapers, there were large pamphlet editions in Washington, New York, Boston, and San Francisco. Editions appeared in German and Welsh. It was reprinted in London, in a publication by Nassau W. Senior, the eminent publicist and economist, entitled "American Slavery: A Reprint of an Article on 'Uncle Tom's Cabin' in the 'Edinburgh Review,' and of Mr. Sumner's Speech of the 19th and 20th of May, 1856."

At the period of its delivery an intense excitement prevailed throughout the country. At the North there was a deep sense of wrong, with indignation at the pretensions of the Slave Power, yearning for a voice in Congress that should speak out the general sentiment. These influences reached Mr. Sumner before he spoke, in numerous letters.

Hon. William Jay, of New York, the able and eminent Abolitionist, being on the point of sailing for Europe, wrote thus: —

"It is with heavy forebodings in regard to Kansas that I leave the country. I have long been convinced that the great obstacle to the cause of human rights and the ultimate prosperity and freedom of our native land is the corruption of the moral sense of our nation. We are very religious as a people, so far as religion is convenient, and consistent with money-getting, office, and power; but so far as it interferes with those pursuits, we are a nation of infidels. To me it seems the Democratic party is utterly and ostentatiously profligate, the unblushing advocates of human slavery and piratical warfare, the most God-defying party which ever cursed our country. As to Slavery, the Church is exerting a most corrupting influence. Our cotton parsons preach to please the rich pew-holders, and are

becoming more and more bold in defending Slavery, while ——— keeps watch and ward over the press of the Tract Society as the guardian of human bondage, and decent men are not ashamed to give their hands to this shameless renegade, this reproach to Christianity. The violence, insolence, cruelty, and injustice springing from Slavery are gradually drifting into anarchy, — and anarchy leads first to civil war, and then to military usurpation.

"But duty is ours, and events belong to Providence. I think all honest men must now be convinced that nothing is gained to Freedom by compromises. Had Webster been a true man, there would have been no trouble about Kansas. I never see his portrait or bust without a shudder. I am for bold deeds and bold language.

'Fear admitted into public councils
Betrays like treason.'

"May God direct and bless you!"

Another friend wrote from Massachusetts as follows.

"Pardon me for the expression of an earnest wish to hear from you soon on the Kansas Freedom Question. However ably ——— and others have treated it, and they have done noble things, I am persuaded that you can impress the public mind with the magnitude of the momentous issue more than any other man.

"Excuse me again for suggesting, that, as Douglas charges as a reason, or pretence, for calling the Freedom party 'Black Republicans,' because, as he says, their platform all relates to 'the Nigger Question,' it may with the greatest force be retorted, that the party in power should justly be named Black Democrats, because their whole foreign and domestic policy is dictated by the slaveholding oligarchy, and basely surrenders every other interest of the country to it, if it interfere.

"Especially, I know that it would exceedingly gratify the friends of Freedom, if the arrogance and bullyism of Douglas could be signally rebuked, and his faithlessness to the honor and welfare of his native land be conspicuously exhibited."

Eli Thayer, of Worcester, who, more than any other person, was author of the system of emigration which was redeeming Kansas, addressed Mr. Sumner as follows, under date of May 8.

"I am happy to learn that you intend to speak next Monday. In my judgment that speech has a very important mission to perform, and I rejoice that it is soon to be before the people. But there will be gnashing of teeth among the defenders of Slavery. Be prepared, therefore, for the worst of their endeavors.

"Your shafts will fall among them as did those of the far-shooting god among the Greeks before the walls of Troy, when he punished them for enslaving the daughter of his priest: —

Δεινὴ δὲ κλαγγὴ γένετ' ἀργυρέοιο βιοῖο.

"My friend Mr. Williams will be present to hear you. I envy him the pleasure of the occasion.

"May good fortune attend you!"

Dr. Le Baron Russell, of Boston, an active member of the Emigration Society, wrote, under date of May 11: —

"We have had enough of truckling in Northern men. It is time for us to show that we mean to submit to the Southern bravado no longer. I have always felt humiliated by the tone our men have taken in Congress, yielding everything, and never daring to assert their rights or to exercise their true power to crush these fellows into submission."

Such was the prompting under which Mr. Sumner spoke, while the whole country watched the debate. The response to the speech was in harmony with the prompting.

The correspondent of the *New York Tribune* thus by telegraph described the speech immediately after its delivery: —

"Senator Sumner's Kansas speech is the most masterly, striking, and scathing production of the session. The galleries were crowded with intellect, beauty, and fashion, and the anterooms were also thronged. His excoriation of Douglas was scornfully withering and scorching. He designated Senator Butler as the Don Quixote of Slavery, and Douglas as its Sancho Panza. Mr. Sumner never before made such an impression in force, manner, and emphatic style. He was animated and glowing throughout, hurling defiance among the opposition, and bravely denouncing the Kansas swindle from first to last. Some passages quite electrified the Chamber, and gave a new conception of the man. Finer effect has rarely been produced."

The scene was sketched by a correspondent of the *Missouri Democrat*, at St. Louis, as follows.

"It may be rash to publish in Missouri a just estimate of the abilities of an Abolitionist. Sectional opinion demands caricatures, and not portraits. It views the leading men of the other section through the medium of its fear, its hatred, or its contempt, and can recognize no likeness, unless the features are distorted and the canvas is darkened, unless the countenance is wicked and the figure hideous.

"Sumner had an audience calculated to arouse all his faculties, and to remind him that his position was in many respects similar to that of Burke, when he impeached Warren Hastings. His brother Senators were mostly in their seats, — by no means a common occurrence. The lobbies were crowded with the great outside politicians, of whom Senators and Members are frequently the instruments, who originate and guide political movements

by means of the press. Francis P. Blair, and Thurlow Weed, and Robert J. Walker, and bevies of Southern delegates to the Cincinnati Convention were there; and the young orators of the House were also there, — Stephens, the keenest blade in the Proslavery ranks, looking as if his face was the battle-ground of boyhood and old age, and Keitt, measuring himself silently with Sumner, and doubtless thinking that the speech to which he was listening so attentively was like a Burmese idol, a monster covered with jewels. The ladies' gallery was crowded to excess, and the fair ones overflowed into the anteroom of the Senate. The letter-writers in double file occupied their own gallery (for which their best thanks are due to John P. Hale), and passed upon the speech as it gradually came forth. The people in compact mass occupied the background.

"That Sumner displayed great ability, and showed that in oratorical talent he was no unworthy successor of Adams, Webster, and Everett, no one who heard him will deny. In vigor and richness of diction, in felicity and fecundity of illustration, in breadth and completeness of view, he stands unsurpassed. He laid the classics, the Gothic mythology, the imaginative literature of Europe, and the Bible under tribute for imagery or quotation. That he had the great speech of Cicero and the greater speech of Burke in his mind's eye, there can be no doubt.

"In his reply to Cass, Douglas, and Mason, who stung him into excitement, he was more successful than at any other time. The collision knocked fire from him; and well it might, for he was abused and insulted as grossly as any man could be; but he replied successfully to the unmeasured vituperation of Douglas, and the aristocratic and withering hauteur of Mason."

The able correspondent of the *Evening Post* at New York, William S. Thayer, afterwards Consul-General at Alexandria, furnished this description.

"There is but one opinion among all competent judges as to the unexampled feast of eloquence which has been enjoyed in the Senate for the past two days, from the lips of Senator Sumner. In a speech of five hours in length, he has exhibited the most signal combination of oratorical splendors which, in the opinion of a veteran Senator, has ever been witnessed in that Hall. Indeed, for the union of clear statement, close and well-put reasoning, piquant personality and satire, freighted with a wealth of learned and apposite illustrations, every one of which was subsidiary to the main purpose of the argument, it may safely challenge comparison with the great speeches of Burke, to whom the Massachusetts Senator, in the ripened vigor of his abilities, and in his varied accomplishments, bears no small similitude. .... But Mr. Sumner was more fortunate than Burke in drawing and detaining his audience. .... From the beginning to the end of each session, not only were the galleries thronged to their utmost capacities with ladies and gentlemen, but all the doorways were completely blocked up with listeners who hung in breathless suspense upon his eloquence. It seemed

even as if the members of the other House had adjourned to crowd the lobbies of the Senate. No such scene has been witnessed since the days of Webster."

A writer in the *Liberator* thus recorded his impressions on reading the speech : —

"Never, I think, from anything did I receive an impression of greater power and grandeur. It came over me like the sound of many waters. I laid down the paper, and still there seemed to press around me a solemn, majestic anthem from a mighty organ. I can almost imagine that around that sick-bed the invisible angels gather, and that on that bruised and mangled head the rays of a divine halo gleam between the blossoms of an imperishable wreath."

Another writer, in a country journal of Massachusetts, expresses himself thus : —

"It were the merest commonplace to say that Massachusetts may well be proud of her son. She owes him a debt which she can never fitly discharge. I would avoid estimating him too highly; but it seems to me that it may be said without extravagance, that to much of the firmly knit strength and unassailable logic of a Webster he unites all the fire and fervor of an Otis, with the grace and classic elegance of an Everett. But underlying, interpenetrating, and informing all this brilliancy of genius is the earnest philanthropy of the man, — a philanthropy which gives an effect to all his productions, which the cold-blooded politician, or statesman, even, can never hope to attain. His words go straight to the popular heart, and find there an earnest and immediate response."

The Rev. Gilbert Haven, in a published sermon at Westfield, Massachusetts, spoke thus : —

"Read the great speech which excited such rage, and won for its author the crown of a martyr. For, before he uttered a word, he knew its probable effect; he measured the danger before he struck the blow. But three or four in all history are its equals in beauty and strength of thought and language, — Demosthenes against the Philipizing Douglas of Athens, the keen, ready, insolent tool of her tyrants, — Cicero against the Atchison Catiline of the Roman Republic, — Burke against the wholesale enslaver of India, Hastings, — Webster against the South Carolinian traducer of Freedom and its fruits: with these four, this stands, and will always stand, equal to the highest in all the literary qualities of an oration, higher than the highest in the sweep of his theme, — the preservation of the liberty, culture, and religion of a great Christian nation."

The testimony of the press was followed by that of correspondents, who vied in grateful felicitations. Of these a few examples are given.

John G. Whittier, the poet, wrote : —

"I have read and re-read thy speech, and I look upon it as thy best. A grand and terrible philippic, worthy of the great occasion; the severe and awful truth which the sharp agony of the national crisis demanded. It is enough for immortality. So far as thy own reputation is concerned, nothing more is needed. But this is of small importance. We cannot see as yet the entire results of that speech, but everything now indicates that it has *saved the country*."

Joseph E. Worcester, the distinguished lexicographer, wrote : —

"I take my pen in hand to express to you — shall I say my sympathy or congratulation, or something of both, for the scene through which you have recently passed? No one would wish to be the victim of 'border-ruffianism,' which has broken out in so disgraceful a manner at Washington; yet I am happy to be able to congratulate you on standing so honorably as you do in relation to this affair before the public, and that such public feeling is manifested in relation to the transaction. I cannot but hope that the recent occurrence will have a powerful influence in advancing the good cause which you have so zealously and ably defended."

The Count Gurowski wrote from New York : —

"That is grand and beautiful, what you uttered again, and hurled against traitors, — grand and beautiful in thought (*der Idee*), which is principal with an old German pupil, but not less so in form, for which likewise I have appreciation. I wish I could find new words to communicate to you the impression full of charm and joy, reading your speech this morning. You still ascend in higher regions with every one of your oratorical efforts."

George P. Putnam, of New York, the eminent publisher, wrote : —

"May so small an item as myself, among the millions who are electrified by this bold and masterly exposition of the great curse of the land, be permitted to join in the expression of hearty admiration of the consummate ability and unflinching fearlessness of the man who thus stands up in the front ranks of the battle for Freedom and Humanity!

"Be assured, dear Sir, that you have gained a great many repenting sinners from the ranks of the timid cotton-bound apologists of Southern tyranny. Scarcely a man of intelligence and standing within my range of observation will now hesitate to indorse heartily your position on this question, which was so recently in advance of the age. 'There is a good time coming.'"

Simeon Draper, of New York, active and eminent as a political leader, wrote : —

"I sincerely regret that you have received from the hand of an assassin so serious a blow. I pray you may be saved from pain, and soon be brought to your seat in the Senate, and be long spared to defend the right and tell

the truth. In this great city of money-worshippers, thank God, there are none to defend this act of cowardice and meanness. Your sufferings may be great and even prolonged by this scoundrelism, *but the life of Slavery will be much shortened.*"

Cassius M. Clay, of Kentucky, famous for his early and constant warfare with Slavery, afterwards Minister of the United States at Petersburg, wrote: —

"I think your speech is far the best one delivered this session, and will confer upon you immortality as a parliamentary debater, — not merely a 'maker of addresses,' as your enemies would have it. I think it will stand right alongside with Webster's reply to Hayne on the Foot resolution, which was his greatest effort in my judgment, and will be considered equal to it in apt classical allusion, strength of argument, bitter irony, and lofty patriotism. Perhaps the only drawback in the comparison is the studied arrangement of your speech, which, although assisting the memory in the public mind, savors too much of the pulpit, and 'smells too much of the lamp.' My dear Sir, I have said thus much of your speech because I think every orator would like to hear a candid criticism from any source, however humble.

"The effect of your speech will be tremendous, — all the more effective on account of the sequel."

George W. Curtis, of New York, the elegant writer and speaker, wrote to George Sumner: —

"While the whole free country is testifying its respect for the statesman, and its honor for the brave defender of the only great cause in human politics, it is a privilege upon which I congratulate myself, that I may send my love to your brother.

"Tell him that those of us whose pursuits are not political postpone them to the commanding interest of the time, and stand ready to prove our sympathy.

"I am writing an oration, to be delivered before the societies of the Wesleyan University at Middletown, Connecticut, — unfortunately not until August; my theme is naturally the duty of the American scholar to politics; and as I remember the scholar John Milton, who was the great orator of Liberty in those days, I shall not forget, nor allow my audience to forget, the scholar who in later days — these very summer months, that will not then have passed by — stood in the same way, splendid, not only by the glory of his cause, but by the powers he consecrated to it, and by the wrongs he suffered for it."

Hon. E. Rockwood Hoar, afterwards Attorney-General, wrote from Concord, Massachusetts: —

"Courage and good cheer, my noble friend! We will stand by you in everything that head can devise or hand can execute.

"If you had been killed, no man could desire a nobler epitaph than your speech; and you will live to say again, in many a form, and on many a fit occasion, the stinging home truths to which no reply could be found but this."

Edwin P. Whipple, of Boston, admired as a writer, wrote with the warmth of personal friendship: —

"You have been constantly in my mind and heart since the attempt at your assassination, and I must tell you how much I sympathize with the sentiments of your speech, how I glory in its genius, and how impossible it is for me to find words to express my rage and abhorrence in regard to the outrage that followed it. I cannot account for the course of Senator Butler, and of South Carolina, except on the supposition, that, fearing certain charitable persons might think you were too severe in your comments on them, they hastened to prove they were worse than it had ever entered your imagination to conceive them to be.

"Your speech is more than a speech: it is an event. It would have been an event, had not your opponents answered it in the only way they were capable of answering it. It is much more so now. But your position, though more glorious than that of any other living man, has great responsibilities attached to it."

Chauncey Clark, an earnest constituent, of Northampton, Mass., wrote: —

"I have carefully read your speech; I have read the concluding retort, which some of your friends wish had not been made; and I most fervently thank God for enabling you to say just what you said, and to say it in the very manner you did. And, Sir, you may well thank God, too. It required no ordinary power. It was not the work of a day nor of a night, nor of successive nights with lamps and 'nigger boys.' Douglas knows little of the requisites necessary for bringing up through this crooked world, and establishing the heart and mind, in such a place as the Senate Chamber, of *an honest man.*

"Had not God separated you early in life, and guided and guarded and instructed you through many years, with special reference to this very exigency, that concentration of clear and just conception, of indignant hatred of tyranny, and of confidence in the final triumph of justice, could not have been called up at pleasure by you, merely to grace a speech."

Rev. Francis Wayland, of Providence, the able author of works on Moral Philosophy and Political Economy, wrote: —

"I will not say that I, the whole nation, or the free portion of it, sympathize with you, — and, what is far better, I believe them to be solemnly moved. At least I have seen nothing like it before. With us the wave has reached an elevation which it never before touched. Our ablest, best, and most influential men, men who have been highly conservative, as it is

called, have made up their minds on this subject. They are calm, considerate, constitutional; but they mean what they say, and they will never go back. . . . .

"I thank you for your speech, as I do for all the others you have sent me. I hope you will deliver many such, and I think you will do it henceforth without peril. Do not, however, go out, or use your mind actively, until you are perfectly well."

Rev. Convers Francis, of Harvard University, wrote: —

"I remember you told me last November, just before your departure for Washington, that you were looking forward to fearful trials in the approaching session, but that the path of duty was plain before you, and that you should walk therein. Nobly, most nobly, have you redeemed that pledge. But the apprehension with which the first part of your remark filled me at the time included nothing like this scene of murderous guilt. How could it? How could any one, who had not measured all the length and breadth of slaveholding depravity, as I had not, have brought such a thing within the range of imagination or prophecy?"

Thomas Sherwin, Head Master of the Boston High School, wrote: —

"To-day we have had a public Declamation, and in the preparation my chief difficulty was to determine how many lads should be allowed to make selections from your speech. I send you a programme, from which you will see that there is a good sprinkling of the true spirit. To you, intrusted with the momentous interests of our whole country, not to say those of the world, these boyish affairs may seem trifling."

Dr. Joseph Sargent, the eminent surgeon, of Worcester, wrote: —

"You have not said one word that we would have unsaid; and when you shall have opportunity again to speak those words of truth which are words of fire, we only wish to be at hand to take the blows ourselves, while you shall have the glory of having aroused a nation as it has not been aroused before, since the days which preceded the Revolution. Shame on the country which needed such a wrong to move it to the right!"

Mrs. Lydia Maria Child wrote thus: —

"My chief motive in writing is to thank you for your magnificent speech, which met the requirements of the time with so much intellectual strength and moral heroism. Some 'patriots' called it 'Un-American.' It recalled to my mind the words of Aristophanes: —

"'Sparta shall find
An *honest* chronicler, though Fear may try
The prize with Truth. Yes, I have fears, and those
In no small brood. I know the people well,
Their temper's edge and humor. Does some tongue

> Link cunning commendation with their own
> And country's name? Their joy o'erflows the measure:
> It matters not the praise be wrong, nor that
> Their freedom pays the tickling of their ears.'

"Your political adversaries made such an outcry about your imprudent severity and unjustifiable personalities, that I cautiously examined whether there was any ground for such an allegation. Few persons have stronger aversion to harsh epithets and personal vituperation than I have, but I confess I could find nothing in your Kansas Speech which offended either my taste or my judgment. You rebuked States and individuals merely as the representatives of that ever-encroaching Slave Power, whose characteristic artifice, arrogance, and despotism it was necessary for you to portray in connection with the subject under debate."

These testimonies, which reveal the feelings of the time, might be multiplied indefinitely. The "sequel," to which Mr. Clay refers, and to which allusion is made by other correspondents, will be found at the end of the speech in an Appendix.

SPEECH.

MR. PRESIDENT, — You are now called to redress a great wrong. Seldom in the history of nations is such a question presented. Tariffs, army bills, navy bills, land bills, are important, and justly occupy your care; but these all belong to the course of ordinary legislation. As means and instruments only, they are necessarily subordinate to the conservation of Government itself. Grant them or deny them, in greater or less degree, and you inflict no shock. The machinery of Government continues to move. The State does not cease to exist. Far otherwise is it with the eminent question now before you, involving, as it does, Liberty in a broad Territory, and also involving the peace of the whole country, with our good name in history forevermore.

Take down your map, Sir, and you will find that the Territory of Kansas, more than any other region, occupies the middle spot of North America, equally distant from the Atlantic on the east and the Pacific on the west, from the frozen waters of Hudson's Bay on the north and the tepid Gulf Stream on the south, — constituting the precise geographical centre of the whole vast Continent. To such advantages of situation, on

the very highway between two oceans, are added a soil of unsurpassed richness, and a fascinating, undulating beauty of surface, with a health-giving climate, calculated to nurture a powerful and generous people, worthy to be a central pivot of American institutions. A few short months have hardly passed since this spacious mediterranean country was open only to the savage, who ran wild in its woods and prairies; and now it has drawn to its bosom a population of freemen larger than Athens crowded within her historic gates, when her sons, under Miltiades, won liberty for mankind on the field of Marathon, — more than Sparta contained, when she ruled Greece, and sent forth her devoted children, quickened by a mother's benediction, to return with their shields or on them, — more than Rome gathered on her seven hills, when, under her kings, she commenced that sovereign sway which afterwards embraced the whole earth, — more than London held, when, on the fields of Crécy and Agincourt, the English banner was borne victorious over the chivalrous hosts of France.

Against this Territory, thus fortunate in position and population, a Crime has been committed which is without example in the records of the Past. Not in plundered provinces or in the cruelties of selfish governors will you find its parallel; and yet there is an ancient instance which may show at least the path of justice. In the terrible impeachment by which the Roman Orator has blasted through all time the name of Verres, charges were, that he had carried away productions of Art, and had violated the sacred shrines. But, amidst charges of robbery and sacrilege, the enormity which most aroused the indignant voice of his accuser, and

which still stands forth with strongest distinctness, arousing the sympathetic indignation of all who read the story, was, that away in Sicily he had scourged a citizen of Rome, — that the cry, "I am a Roman citizen," had been interposed in vain against the lash of the tyrant governor. It was in the presence of the Roman Senate that this arraignment proceeded, — in a temple of the Forum, — amidst crowds such as no orator had ever before drawn together, thronging the porticos and colonnades, even clinging to the house-tops and neighboring slopes, and under the anxious gaze of witnesses summoned from the scene of crime. But an audience grander far, of higher dignity, of more various people, and of wider intelligence, — the countless multitude of succeeding generations, in every land where eloquence has been studied, or where the Roman name has been recognized, — has listened to the accusation, and throbbed with condemnation of the criminal. Sir, speaking in an age of light, and in a land of constitutional liberty, where the safeguards of elections are justly placed among the highest triumphs of civilization, I fearlessly assert that the wrongs of much-abused Sicily, thus memorable in history, were small by the side of the wrongs of Kansas, where the very shrines of popular institutions, more sacred than any heathen altar, are desecrated, — where the ballot-box, more precious than any work in ivory or marble from the cunning hand of Art, is plundered, — and where the cry, "I am an American citizen," is interposed in vain against outrage of every kind, even upon life itself. Are you against robbery? I hold it up to your scorn. Are you against sacrilege? I present it for your execration. Are you for the protection of American citizens? I show you how their dearest

rights are cloven down, while a Tyrannical Usurpation seeks to install itself on their very necks!

The wickedness which I now begin to expose is immeasurably aggravated by the motive which prompted it. Not in any common lust for power did this uncommon tragedy have its origin. It is the rape of a virgin Territory, compelling it to the hateful embrace of Slavery;[1] and it may be clearly traced to a depraved desire for a new Slave State, hideous offspring of such a crime, in the hope of adding to the power of Slavery in the National Government. Yes, Sir, when the whole world, alike Christian and Turk, is rising up to condemn this wrong, making it a hissing to the nations, here in our Republic, *force* — ay, Sir, FORCE — is openly employed in compelling Kansas to this pollution, and all for the sake of political power. There is the simple fact, which you will vainly attempt to deny, but which in itself presents an essential wickedness that makes other public crimes seem like public virtues.

This enormity, vast beyond comparison, swells to dimensions of crime which the imagination toils in vain to grasp, when it is understood that for this purpose are hazarded the horrors of intestine feud, not only in this distant Territory, but everywhere throughout the country. The muster has begun. The strife is no longer local, but national. Even now, while I speak, portents lower in the horizon, threatening to darken the land,

[1] This illustration, deemed necessary to expose the hateful violence to a beautiful region for the sake of Slavery, was denounced by Mr. Cass, in the Senate, while Mr. Sumner was absent, as "an unpatriotic metaphor", and the critical Senator added: "I believe that hundreds of thousands of copies of that production which contains this passage, and many others equally objectionable, were sent through the country during the last Presidential election." — Congressional Globe, 34th Cong. 3d Sess., p. 90, December 11, 1856.

which already palpitates with the mutterings of civil war. The fury of the propagandists, and the calm determination of their opponents, are diffused from the distant Territory over wide-spread communities, and the whole country, in all its extent, marshalling hostile divisions, and foreshadowing a conflict which, unless happily averted by the triumph of Freedom, will become war, — fratricidal, parricidal war, — with an accumulated wickedness beyond that of any war in human annals, justly provoking the avenging judgment of Providence and the avenging pen of History, and constituting a strife such as was pictured by the Roman historian, more than *foreign*, more than *social*, more than *civil*, being something compounded of all these, and in itself more than war, — "*sed potius commune quoddam ex omnibus, et plus quam bellum.*" [1]

Such is the Crime which you are to judge. The criminal also must be dragged into day, that you may see and measure the power by which all this wrong is sustained. From no common source could it proceed. In its perpetration was needed a spirit of vaulting ambition which would hesitate at nothing; a hardihood of purpose insensible to the judgment of mankind; a madness for Slavery, in spite of Constitution, laws, and all the great examples of our history; also a consciousness of power such as comes from the habit of power; a combination of energies found only in a hundred arms directed by a hundred eyes; a control of Public Opinion through venal pens and a prostituted press; an ability to subsidize crowds in every vocation of life, — the pol-

[1] Florus, Epitome Rerum Romanarum, Lib. IV. cap. 2, § 4. Five years later the fury of the propagandists broke forth in the war here foretold.

itician with his local importance, the lawyer with his subtle tongue, and even the authority of the judge on the bench, — with a familiar use of men in places high and low, so that none, from the President to the lowest border postmaster, should decline to be its tool: all these things, and more, were needed, and they were found in the Slave Power of our Republic. There, Sir, stands the criminal, all unmasked before you, heartless, grasping, and tyrannical, with an audacity beyond that of Verres, a subtlety beyond that of Machiavel, a meanness beyond that of Bacon, and an ability beyond that of Hastings. Justice to Kansas can be secured only by the prostration of this influence: for this is the Power behind — greater than any President — which succors and sustains the Crime. Nay, the proceedings I now arraign derive their fearful consequence only from this connection.

In opening this great matter, I am not insensible to the austere demands of the occasion; but the dependence of the Crime against Kansas upon the Slave Power is so peculiar and important that I trust to be pardoned while I impress it by an illustration which to some may seem trivial. It is related in Northern Mythology, that the God of Force, visiting an enchanted region, was challenged by his royal entertainer to what seemed a humble feat of strength, — merely, Sir, to lift a cat from the ground. The god smiled at the challenge, and, calmly placing his hand under the belly of the animal, with superhuman strength strove, while the back of the feline monster arched far upwards, even beyond reach, and one paw actually forsook the earth, when at last the discomfited divinity desisted; but he was little surprised at his defeat, when he learned that this creature, which seemed to be a cat, and nothing more, was not merely

a cat, but that it belonged to and was part of the great Terrestrial Serpent which in its innumerable folds encircled the whole globe. Even so the creature whose paws are now fastened upon Kansas, whatever it may seem to be, constitutes in reality part of the Slave Power, which, with loathsome folds, is now coiled about the whole land. Thus do I exhibit the extent of the present contest, where we encounter not merely local resistance, but also the unconquered sustaining arm behind. But from the vastness of the Crime attempted, with all its woe and shame, I derive well-founded assurance of commensurate effort by the aroused masses of the country, determined not only to vindicate Right against Wrong, but to redeem the Republic from the thraldom of that Oligarchy which prompts, directs, and concentrates the distant wrong.

Such is the Crime and such the criminal which it is my duty to expose; and, by the blessing of God, this duty shall be done completely to the end. But this will not be enough. The Apologies which, with strange hardihood, are offered for the Crime must be torn away, so that it shall stand forth without a single rag or fig-leaf to cover its vileness. And, finally, the True Remedy must be shown. The subject is complex in relations, as it is transcendent in importance; and yet, if I am honored by your attention, I hope to present it clearly in all its parts, while I conduct you to the inevitable conclusion that Kansas must be admitted at once, with her present Constitution, as a State of this Union, and give a new star to the blue field of our National Flag. And here I derive satisfaction from the thought, that the cause is so strong in itself as to bear even the infirmities

of its advocates; nor can it require anything beyond that simplicity of treatment and moderation of manner which I desire to cultivate. Its true character is such, that, like Hercules, it will conquer just so soon as it is recognized.

My task will be divided under three different heads: *first*, THE CRIME AGAINST KANSAS, in its origin and extent; *secondly*, THE APOLOGIES FOR THE CRIME; and, *thirdly*, THE TRUE REMEDY.

Before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrong: I mean the Senator from South Carolina [Mr. BUTLER] and the Senator from Illinois [Mr. DOUGLAS], who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure. I regret much to miss the elder Senator from his seat; but the cause against which he has run a tilt, with such ebullition of animosity, demands that the opportunity of exposing him should not be lost; and it is for the cause that I speak. The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him, — though polluted in the sight of the world, is chaste in his sight: I mean the harlot Slavery. For her his tongue is always profuse in words. Let her be impeached in character, or any proposition be made to shut her out from the extension of her wantonness, and no extravagance of manner or

hardihood of assertion is then too great for this Senator. The frenzy of Don Quixote in behalf of his wench Dulcinea del Toboso is all surpassed. The asserted rights of Slavery, which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the Slave States cannot enjoy what, in mockery of the great fathers of the Republic, he misnames Equality under the Constitution, — in other words, the full power in the National Territories to compel fellow-men to unpaid toil, to separate husband and wife, and to sell little children at the auction-block, — then, Sir, the chivalric Senator will conduct the State of South Carolina out of the Union! Heroic knight! Exalted Senator! A second Moses come for a second exodus!

Not content with this poor menace, which we have been twice told was "measured," the Senator, in the unrestrained chivalry of his nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them "sectional and fanatical"; and resistance to the Usurpation of Kansas he denounces as "an uncalculating fanaticism." To be sure, these charges lack all grace of originality and all sentiment of truth; but the adventurous Senator does not hesitate. He is the uncompromising, unblushing representative on this floor of a flagrant *sectionalism*, now domineering over the Republic, — and yet, with a ludicrous ignorance of his own position, unable to see himself as others see him, or with an effrontery which even his white head ought not to protect from rebuke, he applies to those here who resist his *sectionalism* the very epithet which designates himself. The men who strive to bring back the Government to its original policy, when Freedom and not Slavery was national, while Slavery and not Freedom was

sectional, he arraigns as *sectional*. This will not do. It involves too great a perversion of terms. I tell that Senator that it is to himself, and to the "organization" of which he is the "committed advocate," that this epithet belongs. I now fasten it upon them. For myself, I care little for names; but, since the question is raised here, I affirm that the Republican party of the Union is in no just sense *sectional*, but, more than any other party, *national*, — and that it now goes forth to dislodge from the high places that tyrannical sectionalism of which the Senator from South Carolina is one of the maddest zealots.

To the charge of fanaticism I also reply. Sir, fanaticism is found in an enthusiasm or exaggeration of opinion, particularly on religious subjects; but there may be fanaticism for evil as well as for good. Now I will not deny that there are persons among us loving Liberty too well for personal good in a selfish generation. Such there may be; and, for the sake of their example, would that there were more! In calling them "fanatics," you cast contumely upon the noble army of martyrs, from the earliest day down to this hour, — upon the great tribunes of human rights, by whom life, liberty, and happiness on earth have been secured, — upon the long line of devoted patriots, who, throughout history, have truly loved their country, — and upon all who, in noble aspiration for the general good, and in forgetfulness of self, have stood out before their age, and gathered into their generous bosoms the shafts of tyranny and wrong, in order to make a pathway for Truth; — you discredit Luther, when alone he nailed his articles to the door of the church at Wittenberg, and then to the imperial demand that he should retract firmly replied,

"Here I stand; I cannot do otherwise, so help me God!" you discredit Hampden, when alone he refused to pay the few shillings of ship money, and shook the throne of Charles the First; you discredit Milton, when, amidst the corruptions of a heartless court, he lived on, the lofty friend of Liberty, above question or suspicion; you discredit Russell and Sidney, when, for the sake of country, they calmly turned from family and friends, to tread the steps of the scaffold; you discredit those early founders of American institutions, who preferred the hardships of a wilderness, surrounded by a savage foe, to injustice on beds of ease; you discredit our later fathers, who, few in numbers and weak in resources, yet strong in their cause, did not hesitate to brave the mighty power of England, already encircling the globe with her morning drumbeats. Yes, Sir, of such are the fanatics, according to the Senator. But I tell the Senator that there are characters, badly eminent, of whose fanaticism there can be no question. Such were the ancient Egyptians, who worshipped divinities in brutish forms; the Druids, who darkened the forests of oak, in which they lived, by sacrifices of blood; the Mexicans, who surrendered countless victims to the propitiation of obscene idols; the Spaniards, who, under Alva, sought to force the Inquisition upon Holland, by a tyranny kindred to that now employed to force Slavery upon Kansas; and such were the Algerines, when, in solemn conclave, after listening to a speech not unlike that of the Senator from South Carolina, they resolved to continue the slavery of white Christians, and to extend it over countrymen of Washington, — ay, Sir, extend it! And in this same dreary catalogue faithful History must record all who now, in an enlightened age, and in a land of boasted Freedom,

stand up, in perversion of the Constitution, and in denial of immortal truth, to fasten a new shackle upon their fellow-man. If the Senator wishes to see fanatics, let him look round among his own associates, — let him look at himself.

But I have not done with the Senator. There is another matter regarded by him of such consequence that he interpolated it into the speech of the Senator from New Hampshire [Mr. HALE], and also announced that he had prepared himself with it, to take in his pocket all the way to Boston, when he expected to address the people there.[1] On this account, and for the sake of truth, I stop for one moment and tread it to the earth. The North, according to the Senator, was engaged in the slave-trade, and helped to introduce slaves into the Southern States; and this undeniable fact he proposed to establish by statistics, in giving which his errors exceeded his sentences in number. I let these pass for the present, that I may deal with his argument. Pray, Sir, is acknowledged turpitude in a departed generation to become the example for us? And yet the suggestion, if entitled to any consideration in this discussion, must have this extent. I join my friend from New Hampshire in thanking the Senator from South Carolina for this instance, since it gives me opportunity to say that the Northern merchants, with homes in Boston, Bristol, Newport, New York, and Philadelphia, who catered for Slavery during the years of the slave-trade, are lineal progenitors of the Northern men, with homes in these places, who lend themselves to Slavery in our day, — and especially that all, whether North

[1] Congressional Globe, 34th Cong. 1st Sess., Appendix, p. 107, February 28, 1856.

or South, who take part, directly or indirectly, in the conspiracy against Kansas, do but continue the work of the slave-traders, which you condemn. It is true, too true, alas! that our fathers were engaged in this traffic; but that is no apology for it. And in repelling the authority of this example, I repel also the trite argument founded on the earlier example of England. It is true that our mother country, at the Peace of Utrecht, extorted from Spain the shameful Asiento, securing the monopoly of the slave-trade with the Spanish Colonies, as part pay for the blood of great victories, — that she higgled at Aix-la-Chapelle for another lease of this exclusive traffic, — and again at the Treaty of Madrid bartered the wretched piracy for money. It is true that in this spirit the power of the mother country was prostituted to the same base ends in her American Colonies, against indignant protests from our fathers. All these things now rise in judgment against her. Let us not follow the Senator from South Carolina to do the very evil which in another generation we condemn.

As the Senator from South Carolina is the Don Quixote, so the Senator from Illinois [Mr. DOUGLAS] is the squire of Slavery, its very Sancho Panza, ready to do its humiliating offices. This Senator, in his labored address vindicating his labored report, — piling one mass of elaborate error upon another mass, — constrained himself, as you will remember, to unfamiliar decencies of speech. Of that address I have nothing to say at this moment, though before I sit down I shall show something of its fallacies. But I go back now to an earlier occasion, when, true to native impulses, he threw into this discussion, "for a charm of powerful trouble,"

personalities most discreditable to this body. I will not stop to repel imputations which he cast upon myself; but I mention them to remind you of the "sweltered venom sleeping got," which, with other poisoned ingredients, he cast into the caldron of this debate. Of other things I speak. Standing on this floor, the Senator issued his rescript requiring submission to the Usurped Power of Kansas; and this was accompanied by a manner — all his own — befitting the tyrannical threat. Very well. Let the Senator try. I tell him now that he cannot enforce any such submission. The Senator, with the Slave Power at his back, is strong; but he is not strong enough for this purpose. He is bold. He shrinks from nothing. Like Danton, he may cry, "*De l'audace! encore de l'audace! et toujours de l'audace!*" but even his audacity cannot compass this work. The Senator copies the British officer who with boastful swagger said that with the end of his sword he would cram the "stamps" down the throats of the American people; and he will meet a similar failure. He may convulse this country with civil feud. Like the ancient madman, he may set fire to this Temple of Constitutional Liberty, grander than Ephesian dome; but he cannot enforce obedience to that tyrannical Usurpation.

The Senator dreams that he can subdue the North. He disclaims the open threat, but his conduct implies it. How little that Senator knows himself, or the strength of the cause which he persecutes! He is but mortal man; against him is immortal principle. With finite power he wrestles with the infinite, and he must fall. Against him are stronger battalions than any marshalled by mortal arm, — the inborn, ineradicable, invincible sentiments of the human heart; against him is Nature

with all her subtile forces; against him is God. Let him try to subdue these.

Passing from things which, though touching the very heart of the discussion, are yet preliminary, I press at once to the main question.

I.

I UNDERTAKE, in the first place, to expose the CRIME AGAINST KANSAS, in origin and extent. Logically this is the beginning of the argument. I say Crime, and deliberately adopt this strongest term, as better than any other denoting the consummate transgression. I would go further, if language could further go. It is the *Crime of Crimes*, — surpassing far the old *Crimen Majestatis*, pursued with vengeance by the laws of Rome, and containing all other crimes, as the greater contains the less. I do not go too far, when I call it the *Crime against Nature*, from which the soul recoils, and which language refuses to describe. To lay bare this enormity I now proceed. The whole subject has become a twice-told tale, and its renewed recital will be a renewal of sorrow and shame; but I shall not hesitate. The occasion requires it from the beginning.

It is well remarked by a distinguished historian of our country, that, "at the Ithuriel touch of the Missouri discussion, the Slave Interest, hitherto hardly recognized as a distinct element in our system, started up portentous and dilated,"[1] with threats and assumptions which are the origin of our existing national politics. This was in 1820. The debate ended with the admission of Missouri as a Slaveholding State, and the prohibition of

[1] Hildreth, History of the United States, Vol. VI. p. 713.

Slavery in all the remaining territory west of the Mississippi and north of 36° 30′, leaving the condition of other territory south of this line, or subsequently acquired, untouched by the arrangement. Here was a solemn act of legislation, called at the time compromise, covenant, compact, first brought forward in this body by a slaveholder, vindicated in debate by slaveholders, finally sanctioned by slaveholding votes, — also upheld at the time by the essential approbation of a slaveholding President, James Monroe, and his Cabinet, of whom a majority were slaveholders, including Mr. Calhoun himself; and this compromise was made the condition of the admission of Missouri, without which that State could not have been received into the Union. The bargain was simple, and was applicable, of course, only to the territory named. Leaving all other territory to await the judgment of another generation, the South said to the North, Conquer your prejudices so far as to admit Missouri as a Slave State, and, in consideration of this much coveted boon, Slavery shall be prohibited "forever" (mark here the word "*forever*")[1] in all the remaining Louisiana Territory above 36° 30′; and the North yielded.

In total disregard of history, the President, in his annual message, tells us that this compromise "was *reluctantly* acquiesced in by Southern States." Just the contrary is true. It was the work of slaveholders, and by their concurring votes was crowded upon a reluctant North. It was hailed by slaveholders as a victory. Charles Pinckney, of South Carolina, in an oft quoted letter, written at eight o'clock on the night of its pas-

[1] Referring to this provision of the Missouri Bill, Mr. Niles italicizes "*forever*," thus showing his construction of the word. — Niles's Weekly Register, March 11, 1820.

sage, says: "It is considered here by the Slaveholding States as a great triumph."[1] At the North it was accepted as a defeat, and the friends of Freedom everywhere throughout the country bowed their heads with mortification. Little did they know the completeness of their disaster. Little did they dream that the prohibition of Slavery in the territory, which was stipulated as the price of their fatal capitulation, would also, at the very moment of its maturity, be wrested from them.

Time passed, and it became necessary to provide for this territory an organized government. Suddenly, without notice in the public press, or the prayer of a single petition, or one word of open recommendation from the President, after an acquiescence of thirty-four years, and the irreclaimable possession by the South of its special share under this compromise, in breach of every obligation of honor, compact, and good neighborhood, and in contemptuous disregard of the outgushing sentiments of an aroused North, this time-honored Prohibition — in itself a Landmark of Freedom — was overturned, and the vast region now known as Kansas and Nebraska was opened to Slavery. It is natural that a measure thus repugnant in character should be pressed by arguments mutually repugnant. It was urged on two principal reasons, so opposite and inconsistent as to fight with each other: one being, that, by the repeal of the Prohibition, the Territory would be left open to the entry of slaveholders with their slaves, without hindrance; and the other being, that the people would be left absolutely free to determine the question for them-

[1] This letter, which the *Columbian Centinel*, of Boston, April 1, 1820, properly styles "tell-tale," was addressed to the Editor of the Charleston *City Gazette*, under date of March 2, 1820.

selves, and to prohibit the entry of slaveholders with their slaves, if they should think best. With some the apology was the alleged rights of slaveholders; with others it was the alleged rights of the people. With some it was openly the extension of Slavery; and with others it was openly the establishment of Freedom, under the guise of Popular Sovereignty. The measure, thus upheld in defiance of reason, was carried through Congress in defiance of all securities of legislation. These things I mention that you may see in what foulness the present Crime was engendered.

It was carried, *first*, by *whipping in*, through Executive influence and patronage, men who acted against their own declared judgment and the known will of their constituents; *secondly*, by *thrusting out of place*, both in the Senate and House of Representatives, important business, long pending, and usurping its room; *thirdly*, by *trampling under foot* the rules of the House of Representatives, always before the safeguard of the minority; and, *fourthly*, by *driving it to a close* during the very session in which it originated, so that it might not be arrested by the indignant voice of the People. Such are some of the means by which this snap judgment was obtained. If the clear will of the people had not been disregarded, it could not have passed. If the Government had not nefariously interposed, it could not have passed. If it had been left to its natural place in the order of business, it could not have passed. If the rules of the House and the rights of the minority had not been violated, it could not have passed. If it had been allowed to go over to another Congress, when the People might be heard, it would have been ended; and then the Crime we now deplore would have been without its first seminal life.

Mr. President, I mean to keep absolutely within the limits of parliamentary propriety. I make no personal imputations, but only with frankness, such as belongs to the occasion and my own character, describe a great historical act, now enrolled in the Capitol. Sir, the Nebraska Bill was in every respect a swindle. It was a swindle of the North by the South. On the part of those who had already completely enjoyed their share of the Missouri Compromise, it was a swindle of those whose share was yet absolutely untouched; and the plea of unconstitutionality set up — like the plea of usury after the borrowed money has been enjoyed — did not make it less a swindle. Urged as a bill of peace, it was a swindle of the whole country. Urged as opening the doors to slave-masters with their slaves, it was a swindle of Popular Sovereignty in its asserted doctrine. Urged as sanctioning Popular Sovereignty, it was a swindle of slave-masters in their asserted rights. It was a swindle of a broad territory, thus cheated of protection against Slavery. It was a swindle of a great cause, early espoused by Washington, Franklin, and Jefferson, surrounded by the best fathers of the Republic. Sir, it was a swindle of God-given, inalienable rights. Turn it over, look at it on all sides, and it is everywhere a swindle; and if the word I now employ has not the authority of classical usage, it has, on this occasion, the indubitable authority of fitness. No other word will adequately express the mingled meanness and wickedness of the cheat.

Its character is still further apparent in the general structure of the bill. Amidst overflowing professions of regard for the sovereignty of the people in the Territory, they are despoiled of every essential privilege of

sovereignty. They are not allowed to choose Governor, Secretary, Chief Justice, Associate Justices, Attorney, or Marshal, — all of whom are sent from Washington; nor are they allowed to regulate the salaries of any of these functionaries, or the daily allowance of the legislative body, or even the pay of the clerks and doorkeepers: but they are left free to adopt Slavery. And this is nicknamed Popular Sovereignty! Time does not allow, nor does the occasion require, that I should stop to dwell on this transparent device to cover a transcendent wrong. Suffice it to say, that Slavery is in itself an arrogant denial of human rights, and by no human reason can the power to establish such a wrong be placed among the attributes of any just sovereignty. In refusing it such a place, I do not deny popular rights, but uphold them, I do not restrain popular rights, but extend them. And, Sir, to this conclusion you must yet come, unless deaf, not only to the admonitions of political justice, but also to the genius of our Constitution, under which, when properly interpreted, no valid claim for Slavery can be set up anywhere in the National territory. The Senator from Michigan [Mr. CASS] may say, in response to the Senator from Mississippi [Mr. BROWN], that Slavery cannot go into the Territory, under the Constitution, without legislative introduction; and permit me to add, in response to both, that Slavery cannot go there at all. *Nothing can come out of nothing;* and there is absolutely nothing in the Constitution out of which Slavery can be derived, while there are provisions, which, when properly interpreted, make its existence anywhere within the exclusive National jurisdiction impossible.

The offensive provision in the bill is in its form a

legislative anomaly, utterly wanting the natural directness and simplicity of an honest transaction. It does not undertake openly to repeal the old Prohibition of Slavery, but seems to mince the matter, as if conscious of the swindle. It says that this Prohibition, "being inconsistent with the principle of non-intervention by Congress with Slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the Compromise Measures, is hereby declared inoperative and void." Thus, with insidious ostentation, is it pretended that an act violating the greatest compromise of our legislative history, and loosening the foundations of all compromise, is derived out of a compromise. Then follows in the bill the further declaration, entirely without precedent, which has been aptly called "a stump speech in its belly," namely, "it being the true intent and meaning of this act not to legislate Slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."[1] Here are smooth words, such as belong to a cunning tongue enlisted in a bad cause. But whatever may have been their various hidden meanings, this at least is evident, that, by their effect, the Congressional prohibition of Slavery, which had always been regarded as a seven-fold shield, covering the whole Louisiana Territory north of 36° 30′, is now removed, while a principle is declared which renders the supplementary prohibition of Slavery in Minnesota, Oregon, and Washington "inoperative and void," and thus opens to

[1] Act to organize the Territories of Nebraska and Kansas, Sec. 14: Statutes at Large, Vol. X. p. 283.

Slavery all these vast regions, now the rude cradles of mighty States. Here you see the magnitude of the mischief contemplated. But my purpose is with the Crime against Kansas, and I shall not stop to expose the conspiracy beyond.

Mr. President, men are wisely presumed to intend the natural consequences of their conduct, and to seek what their acts seem to promote. Now the Nebraska Bill, on its very face, openly clears the way for Slavery, and it is not wrong to presume that its originators intended the natural consequences of such an act, and sought in this way to extend Slavery. Of course they did. And this is the first stage in the Crime against Kansas.

This was speedily followed by other developments. It was soon whispered that Kansas must be a Slave State. In conformity with this barefaced scheme was the Government of this unhappy Territory organized in all its departments; and thus did the President, by whose complicity the Prohibition of Slavery was overthrown, lend himself to a new complicity, — giving to the conspirators a lease of connivance, amounting even to copartnership. The Governor, Secretary, Chief Justice, Associate Justices, Attorney, and Marshal, with a whole caucus of other stipendiaries, nominated by the President and confirmed by the Senate, are all commended as friendly to Slavery. No man with the sentiments of Washington or Jefferson or Franklin finds favor; nor is it too much to say, that, had these great patriots once more come among us, not one of them, with his recorded, unretracted opinions on Slavery, could be nominated by the President or confirmed by the Senate for any post in that Territory. With such auspices the conspiracy proceeded. Even in advance of the Nebraska

Bill, secret societies were organized in Missouri, ostensibly to protect her institutions, and afterwards, under the name of "Self-Defensive Associations" and "Blue Lodges," these were multiplied throughout the western counties of that State, *before any counter movement from the North.* It was confidently anticipated, that, by the activity of these societies, and the interest of slaveholders everywhere, with the advantage derived from the neighborhood of Missouri and the influence of the Territorial Government, Slavery might be introduced into Kansas, quietly, but surely, without arousing conflict, — that the crocodile egg might be stealthily dropped in the sunburnt soil, there to be hatched, unobserved until it sent forth its reptile monster.

But the conspiracy was unexpectedly balked. The debate, which convulsed Congress, stirred the whole country. From all sides attention was directed upon Kansas, which at once became the favorite goal of emigration. The bill loudly declares that its object is "to leave the people perfectly free to form and regulate their domestic institutions in their own way"; and its supporters everywhere challenge the determination of the question between Freedom and Slavery by a competition of emigration. Thus, while opening the Territory to Slavery, the bill also opens it to emigrants from every quarter, who may by votes redress the wrong. The populous North, stung by sense of outrage, and inspired by a noble cause, are pouring into the debatable land, and promise soon to establish a supremacy of numbers there, involving, of course, a just supremacy of Freedom.

Then was conceived the consummation of the Crime against Kansas. What could not be accomplished

peaceably was to be accomplished forcibly. The reptile monster, that could not be quietly and securely hatched there, is to be pushed full-grown into the Territory. All efforts are now applied to the dismal work of forcing Slavery upon Free Soil. In flagrant derogation of the very Popular Sovereignty whose name helped to impose this bill upon the country, the atrocious object is distinctly avowed. And the avowal is followed by the act. Slavery is forcibly introduced into Kansas, and placed under formal safeguard of pretended law. How this is done belongs to the argument.

In depicting this consummation, the simplest outline, without one word of color, will be best. Whether regarded in mass or detail, in origin or result, it is all blackness, illumined by nothing from itself, but only by the heroism of the undaunted men and women whom it environed. A plain statement of facts is a picture of direst truth, which faithful History will preserve in its darkest gallery. In the foreground all will recognize a familiar character, in himself connecting link between President and border ruffian, — less conspicuous for ability than for the exalted place he has occupied, — who once sat in the seat where you now sit, Sir, — where once sat John Adams and Thomas Jefferson, — also, where once sat Aaron Burr. I need not add the name of David R. Atchison.[1] You do not forget, that, at the session of Congress immediately succeeding the Nebraska Bill, he came tardily to his duty here, and then, after a short time, disappeared. The secret was long since disclosed. Like Catiline, he stalked into this Chamber, reeking with conspiracy, — *immo etiam in Se-*

[1] Senator of Missouri at Washington from 1843 to 1855, and for several sessions President *pro tempore* of the Senate.

natum venit, — and then, like Catiline, he skulked away, — *abiit, excessit, evasit, erupit*, — to join and provoke the conspirators, who at a distance awaited their congenial chief. Under the influence of his malign presence the Crime ripened to its fatal fruits, while the similitude with Catiline is again renewed in the sympathy, not even concealed, which he finds in the very Senate itself, where, beyond even the Roman example, a Senator has not hesitated to appear as his open compurgator.

And now, as I proceed to show the way in which this Territory was overrun and finally subjugated to Slavery, I desire to remove, in advance, all question with regard to the authority on which I rely. The evidence is secondary, but it is the best which, in the nature of the case, can be had; and it is not less clear, direct, and peremptory than any by which we are assured of the campaigns in the Crimea or the fall of Sebastopol. In its manifold mass, I confidently assert that it is such a body of evidence as the human mind is not able to resist. It is found in the concurring reports of the public press, in the letters of correspondents, in the testimony of travellers, and in the unaffected story to which I have listened from leading citizens, who, during this winter, have "come flocking" here from that distant Territory. It breaks forth in the irrepressible outcry, reaching us from Kansas, whose truthful tones leave no ground of mistake. It addresses us in formal complaint, instinct with the indignation of a people determined to be free, and unimpeachable as the declarations of a murdered man on his dying-bed against his murderer. And let me add, that all this testimony finds echo in the very statute-book of the conspirators, and also in language dropped from the President of the United States.

I begin with an admission from the President himself, in whose sight the people of Kansas have little favor. After arraigning the innocent emigrants from the North, he is constrained to declare that their conduct is "far from justifying the *illegal* and *reprehensible* counter movements which ensued."[1] By the reluctant admission of the Chief Magistrate, then, there was a counter movement at once "*illegal* and *reprehensible*." I thank thee, President, for teaching me these words; and I now put them in the front of this exposition, as in themselves a confession. Sir, this "illegal and reprehensible counter movement" is none other than the dreadful Crime — under an apologetic *alias* — by which, through successive invasions, Slavery is forcibly planted in this Territory.

Next to this Presidential admission must be placed details of invasions, which I now present as not only "illegal and reprehensible," but also unquestionable evidence of the resulting Crime.

The violence, for some time threatened, broke forth on the 29th of November, 1854, at the first election of a Delegate to Congress, when companies from Missouri, amounting to upwards of one thousand, crossed into Kansas, and with force and arms proceeded to vote for General Whitfield, the candidate of Slavery. An eye-witness, General Pomeroy,[2] of superior intelligence and perfect integrity, thus describes this scene.

"The first ballot-box that was opened upon our virgin soil was closed to us by overpowering numbers and impending

[1] Message relative to Affairs in the Territory of Kansas, January 24, 1856: Executive Documents, 34th Cong. 1st Sess., No. 28, p. 4.

[2] Hon. S. C. Pomeroy, afterwards for many years Senator of Kansas at Washington.

force. So bold and reckless were our invaders, that they cared not to conceal their attack. They came upon us, not in the guise of voters, to steal away our franchise, but boldly and openly, to snatch it with a strong hand. They came directly from their own homes, and in compact and organized bands, with arms in hand and provisions for the expedition, marched to our polls, and, when their work was done, returned whence they came."

Here was an outrage at which the coolest blood of patriotism boils. Though, for various reasons unnecessary to develop, the busy settlers allowed the election to pass uncontested, still the means employed were none the less "illegal and reprehensible."

This infliction was a significant prelude to the grand invasion of the 30th of March, 1855, at the election of the first Territorial Legislature under the organic law, when an armed multitude from Missouri entered the Territory in larger numbers than General Taylor commanded at Buena Vista, or than General Jackson had within his lines at New Orleans, — much larger than our fathers rallied on Bunker Hill. On they came as "an army with banners," organized in companies, with officers, munitions, tents, and provisions, as though marching upon a foreign foe, and breathing loud-mouthed threats that they would carry their purpose, if need were, by the bowie-knife and revolver. Among them, according to his own confession, was David R. Atchison, belted with the vulgar arms of his vulgar comrades. Arrived at their several destinations on the night before the election, the invaders pitched their tents, placed their sentries, and waited for the coming day. The same trustworthy eye-witness whom I have already quoted says of one locality: —

"Baggage-wagons were there, with arms and ammunition enough for a protracted fight, and among them two brass field-pieces, ready charged. They came with drums beating and flags flying, and their leaders were of the most prominent and conspicuous men of their State."

Of another locality he says: —

"The invaders came together in one armed and organized body, with trains of fifty wagons, besides horsemen, and the night before election pitched their camp in the vicinity of the polls; and having appointed their own judges in place of those who, from intimidation or otherwise, failed to attend, they voted without any proof of residence."

With this force they were able, on the succeeding day, in some places, to intimidate the judges of elections, in others to substitute judges of their own appointment, in others to wrest the ballot-boxes from their rightful possessors, and everywhere to exercise a complete control of the election, and thus, by preternatural audacity of usurpation, impose a Legislature upon the free people of Kansas. Thus was conquered the Sebastopol of that Territory!

It was not enough to secure the Legislature. The election of a member of Congress recurred on the 1st of October, 1855, and the same foreigners, who had learned their strength, again manifested it. Another invasion, in controlling numbers, came from Missouri, and once more forcibly exercised the electoral franchise in Kansas.

At last, in the latter days of November, 1855, a storm, long gathering, burst upon the heads of the devoted people. The ballot-boxes had been violated, and a Legislature installed, which proceeded to carry out the conspiracy of the invaders; but the good people of the Territory, born to Freedom, and educated as American

citizens, showed no signs of submission. Slavery, though recognized by pretended law, was in many places practically an outlaw. To the lawless borderers this was hard to bear; and, like the heathen of old, they raged, particularly against the town of Lawrence, already known, by the firmness of its principles and the character of its citizens, as citadel of the good cause. On this account they threatened, in their peculiar language, to "wipe it out." Soon the hostile power was gathered for this purpose. The wickedness of this invasion was enhanced by the way in which it began. A citizen of Kansas, by the name of Dow, was murdered by a partisan of Slavery, in the name of "law and order." Such an outrage naturally aroused indignation and provoked threats. The professors of "law and order" allowed the murderer to escape, and, still further to illustrate the irony of the name they assumed, seized the friend of the murdered man, whose few neighbors soon rallied for his rescue. This transaction, though totally disregarded in its chief front of wickedness, became the excuse for unprecedented excitement. The weak Governor,[1] with no faculty higher than servility to Slavery, — whom the President, in official delinquency, had appointed to a trust worthy only of a well-balanced character, — was frightened from his propriety. By proclamation he invoked the Territory. By telegraph he invoked the President. The Territory would not respond to his senseless appeal. The President was false. But the proclamation was circulated throughout the border counties of Missouri; and Platte, Clay, Carroll, Saline, Howard, and Jackson, each of them, contributed a volunteer company, recruited from the roadsides, and

[1] Hon. Wilson Shannon.

armed with weapons which chance afforded, known as "the shot-gun militia," — with a Missouri officer as commissary-general, dispensing rations, and another Missouri officer as general-in-chief, — with two wagon-loads of rifles, belonging to Missouri, drawn by six mules, from its arsenal at Jefferson City, — with seven pieces of cannon, belonging to the United States, from its arsenal at Liberty; and this formidable force, amounting to at least 1,800 men, terrible with threats, oaths, and whiskey, crossed the borders, and encamped in larger part on the Wakarusa, over against the doomed town of Lawrence, now threatened with destruction. With these invaders was the Governor, who by this act levied war upon the people he was sent to protect. In camp with him was the original Catiline of the conspiracy, while by his side were the docile Chief Justice and the docile Judges. But this is not the first instance in which an unjust governor has found tools where he ought to have found justice. In the great impeachment of Warren Hastings, the British orator by whom it was conducted exclaims, in words strictly applicable to the misdeed I here denounce: "Had he not the Chief Justice, the tamed and domesticated Chief Justice, who waited on him like a familiar spirit?"[1] Thus was this invasion countenanced by those who should have stood in the breach against it. For more than a week it continued, while deadly conflict was imminent. I do not dwell on the heroism by which it was encountered, or the mean retreat to which it was compelled; for that is not necessary in exhibiting the Crime which you are to judge. But I cannot forbear to add other features, furnished in a letter written at

[1] Burke, Speech in the Impeachment of Warren Hastings, February 16, 1788: Works (London, 1822), Vol. XIII. p. 202

the time by a clergyman, who saw and was part of what he describes.

"Our citizens have been shot at, *and in two instances murdered*, our houses invaded, hay-ricks burnt, corn and other provisions plundered, cattle driven off, all communication cut off between us and the States, wagons on the way to us with provisions stopped and plundered, and the drivers taken prisoners, and we in hourly expectation of an attack. *Nearly every man has been in arms in the village.* Fortifications have been thrown up, by incessant labor night and day. The sound of the drum and the tramp of armed men resounded through our streets, *families fleeing with their household goods for safety.* Day before yesterday the report of cannon was heard at our house, from the direction of Lecompton. Last Thursday one of our neighbors, — one of the most peaceable and excellent of men, from Ohio, — on his way home, was set upon by a gang of twelve men on horseback, and shot down. Over eight hundred men are gathered under arms at Lawrence. As yet no act of violence has been perpetrated by those on our side. *No blood of retaliation stains our hands. We stand, and are ready to act, purely in the defence of our homes and lives.*"

The catalogue is not yet complete. On the 15th of December, when the people assembled to vote on the Constitution submitted for adoption, only a few days after the Treaty of Peace between the Governor on the one side and the town of Lawrence on the other, another and fifth irruption was made. But I leave all this untold. Enough of these details has been given.

Five several times and more have these invaders entered Kansas in armed array, and thus five several times and more have they trampled upon the organic law of the Territory. These extraordinary expeditions are sim-

ply the extraordinary witnesses to successive, uninterrupted violence. They stand out conspicuous, but not alone. The spirit of evil, in which they had their origin, is wakeful and incessant. From the beginning it hung upon the skirts of this interesting Territory, harrowing its peace, disturbing its prosperity, and keeping its inhabitants under the painful alarms of war. All security of person, property, and labor was overthrown; and when I urge this incontrovertible fact, I set forth a wrong which is small only by the side of the giant wrong for the consummation of which all this is done. Sir, what is man, what is government, without security, in the absence of which nor man nor government can proceed in development or enjoy the fruits of existence? Without security civilization is cramped and dwarfed. Without security there is no true Freedom. Nor shall I say too much, when I declare that security, guarded of course by its parent Freedom, is the true end and aim of government. Of this indispensable boon the people of Kansas are despoiled, — absolutely, totally. All this is aggravated by the nature of their pursuits, rendering them peculiarly sensitive to interruption, and at the same time attesting their innocence. They are for the most part engaged in the cultivation of the soil, which from time immemorial has been the sweet employment of undisturbed industry. Contented in the returns of bounteous Nature and the shade of his own trees, the husbandman is not aggressive; accustomed to produce, and not to destroy, he is essentially peaceful, unless his home is invaded, when his arm derives vigor from the soil he treads, and his soul inspiration from the heavens beneath whose canopy he daily toils. Such are the people of Kansas, whose security has been overthrown. Scenes

from which Civilization averts her countenance are part of their daily life. Border incursions, which in barbarous ages or barbarous lands fretted and harried an exposed people, are here renewed, with this peculiarity, that our border robbers do not simply levy blackmail and drive off a few cattle, like those who acted under the inspiration of the Douglas of other days, — they do not seize a few persons, and sweep them away into captivity, like the African slave-traders, whom we brand as pirates, — but they commit a succession of deeds in which border sorrows and African wrongs are revived together on American soil, while, for the time being, all protection is annulled, and the whole Territory is enslaved.

Private griefs mingle their poignancy with public wrongs. I do not dwell on the anxieties of families exposed to sudden assault, and lying down to rest with the alarms of war ringing in the ears, not knowing that another day may be spared to them. Throughout this bitter winter, with the thermometer at thirty degrees below zero, the citizens of Lawrence were constrained to sleep under arms, with sentinels pacing constant watch against surprise. Our souls are wrung by individual instances. In vain do we condemn the cruelties of another age, the refinements of torture to which men were doomed, the rack and thumb-screw of the Inquisition, the last agonies of the regicide Ravaillac,

> "Luke's iron crown, and Damien's bed of steel";

for kindred outrages disgrace these borders. Murder stalks, Assassination skulks in the tall grass of the prairie, and the vindictiveness of man assumes unwonted forms. A preacher of the Gospel has been ridden on

a rail, then thrown into the Missouri, fastened to a log, and left to drift down its muddy, tortuous current. And lately we have the tidings of that enormity without precedent, a deed without a name, where a candidate for the Legislature was most brutally gashed with knives and hatchets, and then, after weltering in blood on the snow-clad earth, trundled along, with gaping wounds, to fall dead before the face of his wife. It is common to drop a tear of sympathy over the sorrows of our early fathers, exposed to the stealthy assault of the savage foe, — and an eminent American artist[1] has pictured this scene in a marble group, on the front of the National Capitol, where the uplifted tomahawk is arrested by the strong arm and generous countenance of the pioneer, whose wife and children find shelter at his feet; but now the tear must be dropped over the sorrows of fellow-citizens building a new State in Kansas, and exposed to the perpetual assault of murderous robbers from Missouri. Hirelings, picked from the drunken spew and vomit of an uneasy civilization, having the form of men, —

> "Ay, in the catalogue ye go for men;
> As hounds and greyhounds, mongrels, spaniels, curs,
> Shoughs, water-rugs, and demi-wolves are clept
> All by the name of dogs," —

leashed together by secret signs and lodges, renew the incredible atrocities of the Assassins and the Thugs, — showing the blind submission of the Assassins to the Old Man of the Mountain in robbing Christians on the road to Jerusalem, and the heartlessness of the Thugs, who, avowing that murder is their religion, waylay travellers on the great road from Agra to Delhi, — with

[1] Horatio Greenough, the earliest of our sculptors, and also excellent with his pen.

the more deadly bowie-knife for the dagger of the Assassin, and the more deadly revolver for the noose of the Thug.

In these invasions, with the entire subversion of all security in this Territory, the plunder of the ballot-box, and the pollution of the electoral franchise, I show simply the process in unprecedented Crime. If that be the best government where injury to a single citizen is resented as injury to the whole State, what must be the character of a government which leaves a whole community of citizens thus exposed? In the outrage upon the ballot-box, even without the illicit fruits which I shall soon exhibit, there is a peculiar crime, of the deepest dye, though subordinate to the final Crime, which should be promptly avenged. In other lands, where royalty is upheld, it is a special offence to rob the crown jewels, which are emblems of that sovereignty before which the loyal subject bows, and it is treason to be found in adultery with the queen, for in this way may a false heir be imposed upon the State; but in our Republic the ballot-box is the single priceless jewel of that sovereignty which we respect, and the electoral franchise, where are born the rulers of a free people, is the royal bed we are to guard against pollution. In this plain presentment, whether as regards security or as regards elections, there is enough, without proceeding further, to justify the intervention of Congress, promptly and completely, to throw over this oppressed people the impenetrable shield of the Constitution and laws. But the half is not yet told.

As every point in a wide-spread horizon radiates from a common centre, so everything said or done in this vast circle of Crime radiates from the *One Idea*, that Kansas,

at all hazards, must be made a Slave State. In all the manifold wickednesses that occur, and in every successive invasion, this *One Idea* is ever present, as Satanic tempter, motive power, *causing cause.* Talk of "one idea!" Here it is with a vengeance!

To accomplish this result, three things are attempted: *first,* by outrage of all kinds, to drive the friends of Freedom out of the Territory; *secondly,* to deter others from coming; and, *thirdly,* to obtain complete control of the Government. The process of driving out, and also of deterring, has failed. On the contrary, the friends of Freedom there have become more fixed in resolve to stay and fight the battle which they never sought, but from which they disdain to retreat, — while the friends of Freedom elsewhere are more aroused to the duty of timely succor by men and munitions of just self-defence.

While defeated in the first two processes, the conspirators succeeded in the last. By the violence already portrayed at the election of the 30th of March, when the polls were occupied by armed hordes from Missouri, they imposed a Legislature upon the Territory, and thus, under the iron mask of law, established a Usurpation not less complete than any in history. That this was done I proceed to prove. Here is the evidence.

1. Only in this way can this extraordinary expedition be adequately explained. In the words of Molière, once employed by John Quincy Adams in the other House, *"Que diable allaient-ils faire dans cette galère?"* What did they go into the Territory for? If their purposes were peaceful, as has been suggested, why cannons, arms, flags, numbers, and all this violence? As simple citizens, proceeding to the honest exercise of the electo-

ral franchise, they might go with nothing more than a pilgrim's staff. Philosophy always seeks a *sufficient cause,* and only in the *One Idea* already presented can a cause be found in any degree commensurate with the Crime; and this becomes so only when we consider the mad fanaticism of Slavery.

2. Public notoriety steps forward to confirm the suggestion of reason. In every place where Truth can freely travel it is asserted and understood that the Legislature was imposed upon Kansas by foreigners from Missouri; and this universal voice is now received as undeniable verity.

3. It is also attested by harangues of the conspirators. Here is what Stringfellow said *before* the invasion.

"To those who have qualms of conscience as to violating laws, State or National, the time has come when such impositions must be disregarded, as your rights and property are in danger; *and I advise you, one and all, to enter every election district in Kansas, in defiance of Reeder and his vile myrmidons, and vote at the point of the bowie-knife and revolver.* Neither give nor take quarter, as our cause demands it. It is enough that the slaveholding interest wills it, from which there is no appeal. What right has Governor Reeder to rule Missourians in Kansas? His proclamation and prescribed oath must be repudiated. It is your interest to do so. Mind that Slavery is established where it is not prohibited."

Here is what Atchison said *after* the invasion.

"Well, what next? Why, an election for members of the Legislature to organize the Territory must be held. What did I advise you to do then? Why, meet them on their own ground, and beat them at their own game again; and cold and inclement as the weather was, I went over with a com-

pany of men. My object in going was not to vote. I had no right to vote, unless I had disfranchised myself in Missouri. I was not within two miles of a voting-place. My object in going was not to vote, but to settle a difficulty between two of our candidates; and the Abolitionists of the North said, *and published it abroad, that Atchison was there with bowie-knife and revolver, — and, by God, 't was true! I never did go into that Territory, I never intend to go into that Territory, without being prepared for all such kind of cattle.* Well, we beat them, and Governor Reeder gave certificates to a majority of all the members of both Houses, and then, after they were organized, as everybody will admit, they were the only competent persons to say who were and who were not members of the same."

4. It is confirmed by contemporaneous admission of "The Squatter Sovereign," a paper published at Atchison, and at once the organ of the President and of these Borderers, which, under date of 1st April, thus recounts the victory.

"INDEPENDENCE, [MISSOURI,] March 31, 1855.

"Several hundred emigrants from Kansas have just entered our city. They were preceded by the Westport and Independence brass bands. They came in at the west side of the public square, and proceeded entirely around it, the bands cheering us with fine music, and the emigrants with good news. Immediately following the bands were about two hundred horsemen in regular order; following these were one hundred and fifty wagons, carriages, &c. They gave repeated cheers for Kansas and Missouri. They report that not an Antislavery man will be in the Legislature of Kansas. *We have made a clean sweep.*"

5. It is also confirmed by contemporaneous testimony of another paper, always faithful to Slavery, the "New York Herald," in the letter of a correspondent

from Brunswick, Missouri, under date of 20th April, 1855.

"From five to seven thousand men started from Missouri to attend the election, some to remove, but the most to return to their families, with an intention, if they liked the Territory, to make it their permanent abode at the earliest moment practicable. But they intended to vote. The Missourians were, many of them, Douglas men. There were one hundred and fifty voters from this county, one hundred and seventy-five from Howard, one hundred from Cooper. Indeed, every county furnished its quota; and when they set out, it looked like an army. . . . . They were armed. . . . . And, as there were no houses in the Territory, they carried tents. Their mission was a peaceable one, — to vote, and to drive down stakes for their future homes. After the election some fifteen hundred of the voters sent a committee to Mr. Reeder to ascertain if it was his purpose to ratify the election. He answered that it was, and said the majority at an election must carry the day. But it is not to be denied that the fifteen hundred, apprehending that the Governor might attempt to play the tyrant, — since his conduct had already been insidious and unjust, — wore on their hats bunches of hemp. They were resolved, if a tyrant attempted to trample upon the rights of the sovereign people, to hang him."

6. It is again confirmed by testimony of a lady for five years resident in Western Missouri, who thus writes in a letter published in the "New Haven Register."

"Miami, Saline County, November 26, 1855.

"You ask me to tell you something about the Kansas and Missouri troubles. Of course you know in what they have originated. *There is no denying that the Missourians have determined to control the elections, if possible;* and I do not

know that their measures would be justifiable, except upon the principle of self-preservation; and that, you know, is the first law of Nature."

7. And it is confirmed still further by the Circular of the Emigration Society of Lafayette County, in Missouri, dated as late as 25th March, 1856, where the efforts of Missourians are openly confessed.

"The western counties of Missouri have for the last two years been heavily taxed, both in money and time, in fighting the battles of the South. *Lafayette County alone has expended more than one hundred thousand dollars in money, and as much or more in time. Up to this time the border counties of Missouri have upheld and maintained the rights and interests of the South in this struggle, unassisted, and not unsuccessfully.* But the Abolitionists, staking their all upon the Kansas issue, and hesitating at no means, fair or foul, are moving heaven and earth to render that beautiful Territory *a Free State.*"

8. Here, also, is amplest testimony to the Usurpation, by the "Intelligencer," a leading paper of St. Louis, Missouri, made in the ensuing summer.

"Atchison and Stringfellow, with their Missouri followers, overwhelmed the settlers in Kansas, browbeat and bullied them, and took the Government from their hands. Missouri votes elected the present body of men, who insult public intelligence and popular rights by styling themselves 'the Legislature of Kansas.' This body of men are helping themselves to fat speculations by locating the 'seat of Government' and getting town lots for their votes. They are passing laws disfranchising all the citizens of Kansas who do not believe Negro Slavery to be a Christian institution and a national blessing. They are proposing to punish with imprisonment the utterance of views inconsistent with their

own. And they are trying to perpetuate their preposterous and infernal tyranny by appointing *for a term of years* creatures of their own, as commissioners in every county, to lay and collect taxes, and see that the laws they are passing are faithfully executed. Has this age anything to compare with these acts in audacity?"

9. In harmony with all these is the authoritative declaration of Governor Reeder, in a speech to his neighbors at Easton, Pennsylvania, at the end of April, 1855, and immediately afterwards published in the Washington "Union." Here it is.

"It was, indeed, too true that Kansas had been invaded, conquered, subjugated, by an armed force from beyond her borders, led on by a fanatical spirit, trampling under foot the principles of the Kansas Bill and the right of suffrage."

10. In similar harmony is the complaint of the people of Kansas, in public meeting at Big Springs, on the 5th of September, 1855, embodied in these words.

"*Resolved*, That the body of men who for the last two months have been passing laws for the people of our Territory, moved, counselled, and dictated to by the demagogues of Missouri, are to us a foreign body, representing only the lawless invaders who elected them, and not the people of the Territory, — that we repudiate their action, as the monstrous consummation of an act of violence, usurpation, and fraud, unparalleled in the history of the Union, and worthy only of men unfitted for the duties and regardless of the responsibilities of Republicans."

11. Finally, the invasion which ended in the Usurpation is clearly established from official Minutes laid on our table by the President. But the effect of this testimony has been so amply exposed by the Senator

from Vermont [Mr. COLLAMER], in his able and indefatigable argument, that I content myself with simply referring to it.

On this cumulative, irresistible evidence, in concurrence with antecedent history, I rest. And yet Senators here argue that this cannot be, — precisely as the conspiracy of Catiline was doubted in the Roman Senate. "*Nonnulli sunt in hoc ordine, qui aut ea quæ imminent non videant, aut ea quæ vident dissimulent; qui spem Catilinæ mollibus sententiis aluerunt, conjurationemque nascentem non credendo corroboraverunt.*"[1] These words of the Roman Orator picture the case here. As I listened to the Senator from Illinois, while he painfully strove to show that there is no Usurpation, I was reminded of the effort by a distinguished logician to prove that Napoleon Bonaparte never existed. And permit me to say, that the fact of his existence is not more entirely above doubt than the fact of this Usurpation. This I assert on proofs already presented. But confirmation comes almost while I speak. The columns of the public press are daily filled with testimony solemnly taken before the Committee of Congress in Kansas, which attests, in awful light, the violence ending in the Usurpation. Of this I may speak on some other occasion.[2] Meanwhile I proceed with the development of the Crime.

The usurping Legislature assembled at the appointed place in the interior, and then at once, in opposition to

[1] Cicero, Oratio in Catilinam I. 12.

[2] This review Mr. Sumner was disabled from making, as will appear in the sequel.

the veto of the Governor, by a majority of two thirds, removed to the Shawnee Mission, a place in most convenient proximity to the Missouri borderers, by whom it had been constituted, and whose tyrannical agent it was. The statutes of Missouri, in all their text, with their divisions and subdivisions, were adopted bodily, and with such little local adaptation that the word "State" in the original is not even changed to "Territory," but is left to be corrected by an explanatory act. All this general legislation was entirely subordinate to the special chapter entitled "An Act to punish Offences against Slave Property," where the One Idea that provoked this whole conspiracy is at last embodied in legislative form, and Human Slavery openly recognized on Free Soil, under the sanction of pretended law.[1] This chapter, of thirteen sections, is in itself a *Dance of Death.* But its complex completeness of wickedness without parallel may be partially conceived, when it is understood that in three sections only is the penalty of death denounced no less than forty-eight different times, by as many changes of language, against the heinous offence, described in forty-eight different ways, of interfering with what does not exist in that Territory, and under the Constitution cannot exist there, — I mean property in human flesh. Thus is Liberty sacrificed to Slavery, and Death summoned to sit at the gates as guardian of the Wrong.

[1] Statutes of the Territory of Kansas, passed at the First Session of the Legislative Assembly, 1855, and the Act of Congress organizing said Territory, and other Acts of Congress having immediate relation thereto, Shawnee M. L. School, 1855, Chap. 151, pp. 715 – 717. Mr. Sumner's copy of this curious volume, which once belonged to Mr. Seward, is lettered on the back, "Laws of Kansas; Territorial Legislature, *alias* The Ruffians' Legislature."

The work of Usurpation was not perfected even yet. It had already cost too much to be left at any hazard.

> "To be thus is nothing,
> But to be safely thus."

Such was the object. And this could not be, except by the entire prostration of all the safeguards of Human Rights. Liberty of speech, which is the very breath of a Republic, — the press, which is the terror of wrong-doers, — the bar, through which the oppressed beards the arrogance of law, — the jury, by which right is vindicated, — all these must be struck down, while officers are provided in all places, ready to be the tools of this Tyranny; and then, to obtain final assurance that their crime is secure, the whole Usurpation, stretching over the Territory, must be fastened and riveted by legislative bolt, spike, and screw, *so as to defy all effort at change through ordinary forms of law.* To this work, in its various parts, were bent the subtlest energies; and never, from Tubal Cain to this hour, was any fabric forged with more desperate skill and completeness.

Mark, Sir, three different legislative enactments, constituting part of this work. *First*, according to one act, all who deny, by spoken or written word, "the right of persons to hold slaves in this Territory," are denounced as felons, to be punished by imprisonment at hard labor for a term not less than two years, — it may be for life. To show the extravagance of this injustice, it is well put by the Senator from Vermont [Mr. COLLAMER], that, should the Senator from Michigan [Mr. CASS], who believes that Slavery cannot exist in a Territory, unless introduced by express legislative act, venture there with his moderate opinions, his doom must be that of a felon! To such extent are the great liberties of speech and of

the press subverted! *Secondly,* by another act, entitled "An Act concerning Attorneys-at-Law," no person can practise as attorney, unless he *shall obtain a license* from the Territorial courts, which, of course, a tyrannical discretion will be free to deny; and after obtaining such license, he is constrained to take an oath not only "to support" the Constitution of the United States, but also "to support and sustain" — mark here the reduplication — the Territorial Act and the Fugitive Slave Bill: thus erecting a test for admission to the bar, calculated to exclude citizens who honestly regard the latter legislative enormity as unfit to be obeyed. And, *thirdly,* by another act, entitled "An Act concerning Jurors," all persons "conscientiously opposed to the holding slaves," or "who do not admit the right to hold slaves in this Territory," are excluded from the jury on every question, civil or criminal, arising out of asserted slave property, — while, in all cases, the summoning of the jury is left, without one word of restraint, to "the marshal, sheriff, or other officer," who is thus free to pack it according to his tyrannical discretion.

For the ready enforcement of all statutes against Human Freedom, the President furnished a powerful quota of officers, in the Governor, Chief Justice, Judges, Secretary, Attorney, and Marshal. The Legislature completed this part of the work, by constituting in each county a Board of Commissioners, composed of two persons, associated with the Probate Judge, whose duty it is to "appoint a county treasurer, coroner, justices of the peace, constables, and *all* other officers provided for by law," and then proceeding to the choice of this very Board: thus delegating and diffusing their usurped power, and tyrannically imposing upon the Territory a

crowd of officers, in whose appointment the people had no voice, directly or indirectly.

And still the final, inexorable work remained to be done. A Legislature renovated in both branches could not assemble until 1858: so that, during this long intermediate period, this whole system must continue in the likeness of law, unless overturned by the National Government, or, in default of such interposition, by the generous uprising of an oppressed people. But it was necessary to guard against possibility of change, even tardily, at a future election; and this was done by two different acts, under the *first* of which all who do not take the oath to support the Fugitive Slave Bill are excluded from the elective franchise, and under the *second* of which all others are entitled to vote who tender a tax of one dollar to the sheriff on the day of election; thus, by provision of Territorial law, disfranchising all opposed to Slavery, and at the same time opening the door to the votes of the invaders; by an unconstitutional shibboleth excluding from the polls the body of actual settlers, and by making the franchise depend upon a petty tax only admitting to the polls the mass of borderers from Missouri. By tyrannical forethought, the Usurpation not only fortified all that it did, but assumed a *self-perpetuating* energy.

Thus was the Crime consummated. Slavery stands erect, clanking its chains on the Territory of Kansas, surrounded by a code of death, and trampling upon all cherished liberties, whether of speech, the press, the bar, the trial by jury, or the electoral franchise. And, Sir, all this is done, not merely to introduce a wrong which in itself is a denial of all rights, and in dread of which

mothers have taken the lives of their offspring, — not merely, as is sometimes said, to protect Slavery in Missouri, since it is futile for this State to complain of Freedom on the side of Kansas, when Freedom exists without complaint on the side of Iowa, and also on the side of Illinois, — but it is done for the sake of political power, in order to bring two new slaveholding Senators upon this floor, and thus to fortify in the National Government the desperate chances of a waning Oligarchy. As the gallant ship, voyaging on pleasant summer seas, is assailed by a pirate crew, and plundered of its doubloons and dollars, so is this beautiful Territory now assailed in peace and prosperity, and robbed of its political power for the sake of Slavery. Even now the black flag of the land pirates from Missouri waves at the mast-head; in their laws you hear the pirate yell and see the flash of the pirate knife; while, incredible to relate, the President, gathering the Slave Power at his back, testifies a pirate sympathy.

Sir, all this was done in the name of Popular Sovereignty. And this is the close of the tragedy. Popular Sovereignty, which, when truly understood, is a fountain of just power, has ended in Popular Slavery, — not in the subjection of the unhappy African race merely, but of this proud Caucasian blood which you boast. The profession with which you began, of *All by the People*, is lost in the wretched reality of *Nothing for the People*. Popular Sovereignty, in whose deceitful name plighted faith was broken and an ancient Landmark of Freedom overturned, now lifts itself before us like Sin in the terrible picture of Milton, which

> " seemed woman to the waist, and fair,
> But ended foul in many a scaly fold

> Voluminous and vast, a serpent armed
> With mortal sting: about her middle round
> A cry of hell-hounds never ceasing barked
> With wide Cerberean mouths full loud, and rung
> A hideous peal; yet, when they list, would creep,
> If aught disturbed their noise, into her womb,
> And kennel there, yet there still barked and howled
> Within, unseen."

The image is complete at all points; and with this exposure I take my leave of the Crime against Kansas.

II.

EMERGING from all the blackness of this Crime, where we seem to have been lost, as in a savage wood, and turning our backs upon it, as upon desolation and death, from which, while others have suffered, we have escaped, I come now to THE APOLOGIES which the Crime has found. Sir, well may you start at the suggestion, that such a series of wrongs, so clearly proved by various testimony, so openly confessed by the wrong-doers, and so widely recognized throughout the country, should find apologists. But partisan spirit, now, as in other days, hesitates at nothing. Great crimes of history have never been without apologies. The massacre of St. Bartholomew, which you now instinctively condemn, was at the time applauded in high quarters, and even commemorated by a Papal medal, which may still be procured at Rome,—as the Crime against Kansas, which is hardly less conspicuous in dreadful eminence, has been shielded on this floor by extenuating words, and even by a Presidential message, which, like the Papal medal, can never be forgotten in considering the perversity of men.

Sir, the Crime cannot be denied. The President himself has admitted "illegal and reprehensible" conduct. To such conclusion he was compelled by irresistible evidence. But what he mildly describes I openly denounce. Senators may affect to put it aside by sneer, or to reason it away by figures, or to explain it by theory, such as desperate invention has produced on this floor, that the Assassins and Thugs of Missouri are in reality citizens of Kansas; but all these efforts, so far as made, are only tokens of weakness, while to the original Crime they add another offence of false testimony against innocent and suffering men. But the Apologies for the Crime are worse than the efforts at denial. In essential heartlessness they identify their authors with the great iniquity.

They are four in number, and fourfold in character. The first is the *Apology tyrannical;* the second, the *Apology imbecile;* the third, the *Apology absurd;* and the fourth, the *Apology infamous.* This is all. Tyranny, imbecility, absurdity, and infamy all unite to dance, like the weird sisters, about this Crime.

The *Apology tyrannical* is founded on the mistaken act of Governor Reeder, in authenticating the Usurping Legislature, by which it is asserted, that, whatever may have been the actual force or fraud in its election, the people of Kansas are effectually concluded, and the whole proceeding is placed under formal sanction of law. According to this assumption, complaint is now in vain, and it only remains that Congress should sit and hearken to it, without correcting the wrong, as the ancient tyrant listened and granted no redress to the human moans that issued from the heated brazen

bull which subtile cruelty had devised. This I call the Apology of technicality inspired by tyranny.

The facts on this head are few and plain. Governor Reeder, after allowing only five days for objections to the returns, — a space of time unreasonably brief in that extensive Territory, — declared a majority of the members of the Council and of the House of Representatives "duly elected," withheld certificates from certain others, because of satisfactory proof that they were not duly elected, and appointed a day for new elections to supply these vacancies. Afterwards, by formal message, he recognized the Legislature as a legal body, and when he vetoed their act of adjournment to the neighborhood of Missouri, he did it simply on the ground of illegality in such adjournment under the organic law. Now to every assumption founded on these facts there are two satisfactory replies: *first*, that no certificate of the Governor can do more than authenticate a subsisting legal act, without of itself infusing legality where the essence of legality is not already; and, *secondly*, that violence or fraud, wherever disclosed, vitiates completely every proceeding. In denying these principles, you place the certificate above the thing certified, and give a perpetual lease to violence and fraud, merely because at an ephemeral moment they are unquestioned. This will not do.

Sir, I am no apologist for Governor Reeder. There is sad reason to believe that he went to Kansas originally as tool of the President; but his simple nature, nurtured in the atmosphere of Pennsylvania, revolted at the service required, and he turned from his patron to duty. Grievously did he err in yielding to the Legislature any act of authentication; but in some measure he

has answered for this error by determined effort since to expose the utter illegality of that body, which he now repudiates entirely. It was said of certain Roman Emperors, who did infinite mischief in their beginnings and infinite good towards their end, that they should never have been born or never died; and I would apply the same to the official life of this Kansas Governor. At all events, I dismiss the Apology founded on his acts, as the utterance of Tyranny by the voice of Law, transcending the declaration of the pedantic judge, in the British Parliament, on the eve of our Revolution, that our fathers, notwithstanding their complaints, were in reality represented in Parliament, inasmuch as their lands, under the original charters, were held "in common socage, as of the manor of East Greenwich in Kent," which, being duly represented, carried with it all the Colonies.[1] Thus in another age has Tyranny assumed the voice of Law.

Next comes the *Apology imbecile*, which is founded on the alleged want of power in the President to arrest this Crime. It is openly asserted, that, under existing laws, the Chief Magistrate has no authority to interfere in Kansas for this purpose. Such is the broad statement, which, even if correct, furnishes no Apology for any proposed ratification of the Crime, but which is in reality untrue; and this I call the Apology of imbecility.

In other matters no such ostentatious imbecility ap-

[1] This story is told of Sir James Marriott, the Admiralty Judge. (Basil Montagu's Essays: *Barrister.*) Something similar may be traced to Lord Mansfield, not usually pedantic or technical, in the Debate on the Right of Parliament to tax America, Feb. 10, 1766. (Hansard, Parliamentary History, XVI. 176.)

pears. Only lately, a vessel of war in the Pacific has chastised the cannibals of the Feejee Islands for alleged outrage on American citizens. But no person of ordinary intelligence will pretend that American citizens in the Pacific have received wrongs from these cannibals comparable in atrocity to those suffered by American citizens in Kansas. Ah, Sir, the interests of Slavery are not touched by any chastisement of Feejees!

Constantly we are informed of efforts at New York, through the agency of the Government, and sometimes only on the breath of suspicion, to arrest vessels about to sail on foreign voyages in violation of our neutrality laws or treaty stipulations. Now no man familiar with the cases will presume to suggest that the urgency for these arrests is equal to the urgency for interposition against these successive invasions from Missouri. But the Slave Power is not disturbed by such arrests in New York.

At this moment the President exults in the vigilance with which he prevented the enlistment of a few soldiers, for transportation to Halifax, in breach of our territorial sovereignty, and England is bravely threatened, even to the extent of rupture of diplomatic relations, for her endeavor, though unsuccessful, and at once abandoned.[1] No man in his senses will urge that this act was anything but trivial by the side of the Crime against Kansas. But the Slave Power is not concerned in this controversy.

Thus, where the Slave Power is indifferent, the President will see that the laws are faithfully executed; but in other cases, where the interests of Slavery are at

[1] Mr. Crampton, the British Minister at Washington, was dismissed. Lawrence's Wheaton (ed. 1863), p. 438, note. See also Executive Documents, 34th Cong. 1st Sess., No. 107.

stake, he is controlled absolutely by this tyranny, ready at all times to do, or not to do, precisely as it dictates. Therefore it is that Kansas is left a prey to the Propagandists of Slavery, while the whole Treasury, the Army, and Navy of the United States are lavished to hunt a single slave through the streets of Boston. You have not forgotten the latter instance; but I choose to refresh it in your minds.

As long ago as 1851 the War Department and Navy Department concurred in placing the forces of the United States near Boston at the command of the Marshal, if needed for the enforcement of an Act of Congress which is without support in the public conscience, as I believe it without support in the Constitution; and thus these forces were degraded to the loathsome work of slave-hunters. More than three years afterwards an occasion arose for their intervention. A fugitive from Virginia, who for some days had trod the streets of Boston as a freeman, was seized as a slave. The whole community was aroused, while Bunker Hill and Faneuil Hall quaked with responsive indignation. Then, Sir, the President, anxious that no tittle of Slavery should suffer, was curiously eager in the enforcement of the statute. The despatches between him and his agents in Boston attest his zeal. Here are some of them.

"Boston, May 27, 1854.

"*To the President of the United States.*

"In consequence of an attack upon the Court House last night, for the purpose of rescuing a fugitive slave under arrest, and in which one of my own guards was killed, *I have availed myself of the resources of the United States, placed under my control by letter from the War and Navy Departments in* 1851, and now have two companies of troops from Fort

Independence stationed in the Court House. Everything is now quiet. The attack was repulsed by my own guard.

"WATSON FREEMAN.

"*United States Marshal, Boston, Mass.*"

"WASHINGTON, May 27, 1854.

"*To* WATSON FREEMAN, *United States Marshal, Boston, Mass.*

"Your conduct is approved. The law must be executed.

"FRANKLIN PIERCE."

"WASHINGTON, May 30, 1854.

"*To* HON. B. F. HALLETT, *Boston, Mass.*

"What is the state of the case of Burns?

"SIDNEY WEBSTER.

"*Private Secretary of the President.*"

"WASHINGTON, May 31, 1854.

"*To* B. F. HALLETT, *United States Attorney, Boston, Mass.*

"Incur any expense deemed necessary by the Marshal and yourself for City Military, or otherwise, to insure the execution of the law.

"FRANKLIN PIERCE."

The President was not content with the forces then on hand in the neighborhood. Other posts also were put under requisition. Two companies of national troops, stationed at New York, were kept under arms, ready at any moment to proceed to Boston; and the Adjutant-General of the Army was directed to repair to the scene, there to superintend the execution of the statute. All this was done for the sake of Slavery. But during long months of menace suspended over the Free Soil of Kansas, breaking forth in successive invasions, the President folds his hands in complete listlessness, or, if he moves at all, it is only to encourage the robber propagandists.

And now the intelligence of the country is insulted by the Apology, that the President had no power to interfere. Why, Sir, to make this confession is to confess our Government a practical failure, which I will never do, — except, indeed, as it is administered now. No, Sir, the imbecility of the Chief Magistrate shall not be charged upon American Institutions. Where there is a will, there is a way; and in his case, had the will existed, there would have been a way, easy and triumphant, to guard against the Crime we deplore. His powers are in every respect ample; and this I prove by the statute-book. By the Act of Congress of 28th February, 1795, it is enacted, "that, whenever the laws of the United States shall be opposed, *or the execution thereof obstructed*, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this Act, it shall be lawful for the President of the United States to call forth the militia."[1] By the supplementary Act of 3d March, 1807, in all cases where he is authorized to call forth the militia "for the purpose of causing the laws to be duly executed," the President is further empowered, in any State *or Territory*, "to employ for the same purposes such part of the land or naval force of the United States as shall be judged necessary."[2] There is the letter of the law; and you will please to mark the power conferred. In no case, where *the laws of the United States* are *opposed*, or their execution *obstructed*, is the President constrained to wait for the requisition of a Governor, or even the petition of a citizen. Just so soon as he learns the fact, no matter by what channel, he is invested by

[1] Statutes at Large, Vol. I. p. 424. [2] Ibid., Vol. II. p. 443.

law with full power to counteract it. True it is, that, when *the laws of a State* are obstructed, he can interfere only on the application of the Legislature of such State, or of the Executive, when the Legislature cannot be convened; but when the National laws are obstructed, no such preliminary application is necessary. It is his high duty, under his oath of office, to see that they are executed, and, if need be, by the National forces.

And, Sir, this is the precise exigency that arises in Kansas, — exactly this, — nor more, nor less. The Act of Congress constituting the very *organic law* of the Territory, which, in peculiar phrase, as if to avoid ambiguity, declares, as its "true intent and meaning," that the people thereof shall be left "perfectly free to form and regulate their domestic institutions in their own way," has been from the beginning *opposed* and *obstructed* in its execution. If the President had power to employ the national forces in Boston, when he supposed the Fugitive Slave Bill was obstructed, and merely in anticipation of such obstruction, it is absurd to say that he has not power in Kansas, when, in the face of the whole country, the very *organic law* of the Territory is trampled under foot by successive invasions, and the freedom of the people there overthrown. To assert ignorance of this obstruction — premeditated, long-continued, and stretching through months — attributes to him not merely imbecility, but idiocy. And thus do I dispose of this Apology.

Next comes the *Apology absurd*, which is, indeed, in the nature of pretext. It is alleged that a small printed pamphlet, containing the "Constitution and Ritual of the Grand Encampment and Regiments of the Kansas

Legion," was taken from the person of one George F. Warren, who attempted to avoid detection by chewing it. The oaths and grandiose titles of the pretended Legion are all set forth, and this poor mummery of a secret society, which existed only on paper, is gravely introduced on this floor, in order to extenuate the Crime against Kansas. It has been paraded in more than one speech, and even stuffed into the report of the Committee.

A part of the obligations assumed by the members of this Legion shows why it is thus pursued, while also attesting its innocence. It is as follows.

"I will never knowingly propose a person for membership in this order *who is not in favor of making Kansas a Free State*, and whom I feel satisfied will exert his entire influence to bring about this result. I will support, maintain, and abide by any honorable movement made by the organization to secure this great end, *which will not conflict with the laws of the country and the Constitution of the United States.*" [1]

Kansas is to be made a Free State by an honorable movement which will not conflict with the laws and the Constitution. That is the object of the organization, declared in the very words of the initiatory obligation. Where is the wrong in this? What is there here to cast reproach, or even suspicion, upon the people of Kansas? Grant that the Legion was constituted, can you extract from it any Apology for the original Crime, or for its present ratification? Secret societies, with extravagant oaths, are justly offensive; but who can find in this mistaken machinery any excuse for the denial of all rights to the people of Kansas? All this I

[1] Mr. Douglas's Report on the Affairs of Kansas: Senate Reports, 34th Cong. 1st Sess., No. 34, p. 29.

say on the supposition that the society is a reality, which it is not. Existing in the fantastic brains of a few persons only, it never had any practical life. It was never organized. The whole tale, with the mode of obtaining the copy of the Constitution, is at once cock-and-bull story and mare's nest, — trivial as the former, absurd as the latter, — and to be dismissed, with the Apology founded upon it, to the derision which triviality and absurdity justly receive.

It only remains, under this head, that I should speak of the *Apology infamous*, — founded on false testimony against the Emigrant Aid Company, and assumptions of duty more false than the testimony. Defying truth and mocking decency, this Apology excels all others in futility and audacity, while, from its utter hollowness, it proves the utter impotence of the conspirators to defend their Crime. Falsehood, always *infamous*, in this case arouses unwonted scorn. An association of sincere benevolence, faithful to the Constitution and laws, whose only fortifications are hotels, school-houses, and churches, whose only weapons are saw-mills, tools, and books, whose mission is peace and good-will, is grossly assailed on this floor, and an errand of blameless virtue made the pretext for an unpardonable Crime. Nay, more, — the innocent are sacrificed, and the guilty set at liberty. They who seek to do the mission of the Saviour are scourged and crucified, while the murderer, Barabbas, with the sympathy of the chief priests, goes at large.

Were I to take counsel of my own feelings, I should dismiss this whole Apology to the ineffable contempt which it deserves; but it is made to play such a part in this conspiracy, that I feel it a duty to expose it completely.

Sir, from the earliest times, men have recognized the advantages of organization, as an effective agency in promoting the business of life. Especially at this moment, there is no interest, public or private, high or low, of charity or trade, of luxury or convenience, which does not seek its aid. Men organize to rear churches and to make pins, — to build schools and to sail ships, — to construct roads and to manufacture toys, — to spin cotton and to print books, — to weave cloths and to increase harvests, — to provide food and to distribute light, — to influence Public Opinion and to secure votes, — to guard infancy in its weakness, old age in its decrepitude, and womanhood in its wretchedness; and now, in all large towns, when death has come, they are buried by organized societies, and, emigrants to another world,[1] they lie down in pleasant places, adorned by organized skill. To complain that this prevailing principle has been applied to living emigration is to complain of Providence and the irresistible tendencies implanted in man.

This application of the principle is no recent invention, brought forth for an existing emergency. It has the best stamp of Antiquity. It showed itself in the brightest days of Greece, where colonists moved in organized bands. It became part of the mature policy of Rome, where bodies of men were constituted expressly for this purpose, — *triumviri ad colonos deducendos.*[2] Naturally it is accepted in modern times by every civilized state. With the sanction of Spain, an association of Genoese merchants first introduced slaves to

[1] "*Emigravit* is the inscription on the tombstone where he lies."

This is the verse of Longfellow on the artist Albert Dürer, buried at Nuremberg.

[2] Livy, XXXVII. 46. See, also, Smith, Dictionary of Greek and Roman Antiquities, art. COLONIA.

this continent. With the sanction of France, the Society of Jesuits stretched their labors over Canada and the Great Lakes to the Mississippi. It was under the auspices of Emigrant Aid Companies that our country was originally settled by the Pilgrim Fathers of Plymouth, by the Adventurers of Virginia, and by the philanthropic Oglethorpe, whose "benevolent soul," commemorated by Pope, sought to plant a Free State in Georgia. At this day, such associations, of humbler character, are found in Europe, with offices in the great capitals, through whose activity emigrants are directed hither.

For a long time, emigration to the West, from the Northern and Middle States, but particularly from New England, has been of marked significance. In quest of better homes, annually it presses to the unsettled lands, in numbers counted by tens of thousands; but this has been done heretofore with little knowledge, and without guide or counsel. Finally, when, by the establishment of a government in Kansas, the tempting fields of that central region were opened to the competition of peaceful colonization, and especially when it was declared that the question of Freedom or Slavery there was to be determined by the votes of actual settlers, then at once was organization enlisted as an effective agency in quickening and conducting the emigration impelled thither, and, more than all, in providing homes on its arrival.

The Company was first constituted under an Act of the Legislature of Massachusetts, April 26, 1854, some weeks prior to the passage of the Nebraska Bill. The original act of incorporation was subsequently abandoned, and a new charter received in February, 1855, in which the objects of the Society are thus declared: —

"For the purposes of directing emigration westward, and *aiding in providing accommodations for the emigrants after arriving at their places of destination.*" [1]

At any other moment an association for these purposes would take its place, by general consent, among philanthropic experiments; but Crime is always suspicious, and shakes, like a sick man, merely at the pointing of a finger. The conspirators against Freedom in Kansas became alarmed at the movement. Their wicked plot was about to fail. To help themselves, they denounced the Emigrant Aid Company; and their denunciations, after finding an echo in the President, are repeated, with much particularity, on this floor, in the formal report of your Committee.

The falsehood of the whole accusation will appear in illustrative instances.

A charter is set out, section by section, which, though originally granted, was subsequently abandoned, and is not in reality the charter of the Company, but is materially unlike it.

The Company is represented as "a powerful corporation, with a capital of five millions," when, by its actual charter, it is not allowed to hold property above one million, and, in point of fact, its capital has not exceeded one hundred thousand dollars.

Then, again, it is suggested, if not alleged, that this enormous capital, which I have already said does not exist, is invested in "cannon and rifles, in powder and lead," and "implements of war," all of which, whether alleged or suggested, is absolutely false. The officers of the Company authorize me to give this whole assumption a point-blank denial.

[1] Massachusetts Special Laws, Vol. X. p. 282.

These allegations are of small importance, and I mention them only because they show the character of the report, and also something of the quicksand on which the Senator from Illinois chooses to plant himself. But these are all capped by the unblushing assertion, that the proceedings of the Company were "in perversion of the plain provisions of an Act of Congress," — and also another unblushing assertion, as "certain and undeniable," that the Company was formed to promote certain objects, "regardless of the rights and wishes of the people, as guarantied by the Constitution of the United States, and secured by their organic law," when it is certain and undeniable that the Company has done nothing in perversion of any Act of Congress, while, to the extent of its power, it seeks to protect the rights and wishes of the actual people in the Territory.

Sir, this Company has violated in no respect the Constitution or laws of the land, — not in the merest letter or the slightest spirit. But every other imputation is equally baseless. It is not true, as the Senator from Illinois alleges, in order in some way to compromise the Company, that it was informed before the public of the date fixed for the election of the Legislature. This statement is pronounced by the Secretary, in a letter now before me, "an unqualified falsehood, not having even the shadow of a shade of truth for its basis." It is not true that men have been hired by the Company to go to Kansas; for every emigrant going under its direction himself provides the means for his journey. Of course, Sir, it is not true, as is complained by the Senator from South Carolina, with that proclivity to error which marks all his utterances, that men have

been sent by the Company "with one uniform gun, Sharp's rifle"; for it has supplied no arms of any kind to anybody. It is not true that the Company has encouraged any fanatical aggression upon the people of Missouri; for it counsels order, peace, forbearance. It is not true that the Company has chosen its emigrants on account of political opinions; for it asks no questions with regard to the opinions of any whom it aids, and at this moment stands ready to forward those from the South as well as the North, while, in the Territory, all, from whatever quarter, are admitted to equal enjoyment of its tempting advantages. It is not true that the Company has sent persons merely to control elections, and not to remain in the Territory; for its whole action, and all its anticipation of pecuniary profits, are founded on the hope of stocking the country with permanent settlers, by whose labor the capital of the Company shall be made to yield its increase, and by whose fixed interest in the soil the welfare of all shall be promoted.

Sir, it has not the honor of being an Abolition Society, or of numbering Abolitionists among its officers. Its President[1] is a retired citizen, of ample means and charitable life, who has taken no part in the conflicts with Slavery, and never allowed his sympathies to be felt by Abolitionists. One of its Vice-Presidents is a gentleman from Virginia,[2] with family and friends there, who has always opposed the Abolitionists. Its generous Treasurer,[3] now justly absorbed by the objects of the

[1] Hon. John Carter Brown, of Providence, R. I.

[2] Hon. John M. S. Williams, of Cambridge, afterwards an earnest member of the Republican party, and for some time Chairman of its Republican State Committee, in Massachusetts.

[3] Hon. A. A. Lawrence, of Boston.

Company, has always been understood as ranging with his extensive connections, by blood and marriage, on the side of that quietism which submits to all the tyranny of the Slave Power. Its Directors are more conspicuous for wealth and science than for any activity against Slavery. Among these is an eminent lawyer of Massachusetts, Mr. Chapman,[1] — personally known, doubtless, to some who hear me, — who has distinguished himself by an austere conservatism, too natural to the atmosphere of courts, which does not flinch even from the support of the Fugitive Slave Bill. In a recent address at a public meeting in Springfield, this gentleman thus speaks for himself and his associates: —

"I have been a Director of the Society from the first, and have kept myself well informed in regard to its proceedings. I am not aware that any one in this community ever suspected me of being an Abolitionist; but I have been accused of being Proslavery, and I believe many good people think I am quite too conservative on that subject. I take this occasion to say that all the plans and proceedings of the Society have met my approbation; and I assert that it has never done a single act with which any political party or the people of any section of the country can justly find fault. The name of its President, Mr. Brown, of Providence, and of its Treasurer, Mr. Lawrence, of Boston, are a sufficient guaranty, in the estimation of intelligent men, against its being engaged in any fanatical enterprise. Its stockholders are composed of men of all political parties except Abolitionists. I am not aware that it has received the patronage of that class of our fellow-citizens, and I am informed that some of them disapprove of its proceedings."

[1] Hon. Reuben A. Chapman, of Springfield, afterward Chief Justice of the Supreme Court of Massachusetts.

The acts of the Company have been such as might be expected from auspices thus severely careful at all points. The secret through which, with small means, it has been able to accomplish so much is, that, *as inducement to emigration, it goes forward and plants capital in advance of population.* According to the old immethodical system, this rule is reversed, and population is left to grope blindly, without the advantage of fixed centres, with mills, schools, and churches, — all calculated to soften the hardships of pioneer life, — such as are established beforehand in Kansas. Here, Sir, is the secret of the Emigrant Aid Company. By this single principle, which is now practically applied for the first time in history, and which has the simplicity of genius, a business association at a distance, without large capital, has become the beneficent instrument of civilization, exercising the functions of various societies, and being in itself Missionary Society, Bible Society, Tract Society, Education Society, and Society for the Diffusion of the Mechanic Arts. I would not claim too much for this Company; but I doubt if at this moment there is any society so completely philanthropic; and since its leading idea, like the light of a candle from which other candles are lighted without number, may be applied indefinitely, it promises to be an important aid to Human Progress. The lesson it teaches cannot be forgotten; and hereafter, wherever unsettled lands exist, intelligent capital will lead the way, anticipating the wants of the pioneer, — nay, doing the very work of the original pioneer, — while, amidst well-arranged harmonies, a new community arises, to become, by example, a more eloquent preacher than any solitary missionary. In subordination to this essential idea is its humbler

machinery for the aid of emigrants on their way, by combining parties, so that friends and neighbors journey together, — by purchasing tickets at wholesale, and furnishing them to individuals at actual cost, — by providing for each party a conductor familiar with the road, and, through these simple means, promoting the economy, safety, and comfort of the expedition. The number of emigrants it has directly aided, even thus slightly, in their journey, is infinitely exaggerated. From the beginning of its operations down to the close of the last autumn, all its detachments from Massachusetts contained only thirteen hundred and twelve persons.

Such is the simple tale of the Emigrant Aid Company. Sir, not even suspicion can justly touch it. But it must be made a scapegoat. This is the decree which has gone forth. I was hardly surprised at this outrage, when it proceeded from the President, for, like Macbeth, he is "stepped in so far," that "returning were as tedious as go o'er"; but I did not expect it from the Senator from Missouri [Mr. GEYER], whom I have learned to respect for the general moderation of his views, and the name he has won in an honorable profession. Listening to him, I was saddened by the spectacle of the extent to which Slavery will sway a candid mind to do injustice. Were any other interest in question, that Senator would scorn to join in impeachment of such an association. His instincts, as lawyer, as man of honor, and as Senator, would forbid; but the Slave Power, in enforcing its behests, allows no hesitation, and the Senator surrenders.

In this vindication I content myself with a statement of facts, rather than an argument. It might be urged that Missouri organized a propagandist emigration long

before any from Massachusetts, and you might be reminded of the wolf in the fable, which complained of the lamb for disturbing the waters, when in fact the alleged offender was lower down the stream. It might be urged also that South Carolina lately entered upon a similar system, — while one of her chieftains, in rallying recruits, has unconsciously attested the cause in which he was engaged, by exclaiming, in the words of Satan, addressed to his wicked forces, —

"Awake! arise! or be forever fallen!" [1]

But the occasion needs no such defences. I put them aside. Not on the example of Missouri or the example of South Carolina, but on inherent rights, which no man, whether Senator or President, can justly assail, do I plant this impregnable justification. It will not do, in specious phrase, to allege the right of every State to be free in domestic policy from foreign interference, and then to assume such wrongful interference by this Company. By the law and Constitution we stand or fall; and that law and Constitution we have in no respect offended.

To cloak the overthrow of all law in Kansas, an assumption is now set up which utterly denies one of the plainest rights of the people everywhere. Sir, I beg Senators to understand that this is a government of laws, and that, under these laws, the people have an incontestable right to settle any portion of our broad territory, and, if they choose, to propagate any opinions there not forbidden by the laws. If this be not so,

[1] Mr. Evans, of South Carolina, here interrupted Mr. Sumner to say that he did not know of any such address. Mr. Sumner replied, that "it was in a speech or letter of one of the gentlemen enlisted in obtaining emigrants in South Carolina." — Congressional Globe, 34th Cong. 1st Sess., Appendix, p. 538.

pray, Sir, by what title is the Senator from Illinois, who is an emigrant from Vermont,[1] propagating his disastrous opinions in another State? Surely he has no monopoly of this right. Others may do what he is doing; nor can the right be in any way restricted. It is as broad as the people; nor does it matter whether they go in numbers small or great, with assistance or without assistance, under the auspices of societies or not under such auspices. If this be not so, then by what title are so many foreigners annually naturalized, under Democratic auspices, in order to secure votes for misnamed Democratic principles? And if capital as well as combination cannot be employed, by what title do venerable associations exist, of ampler means and longer duration than any Emigrant Aid Company, around which cluster the regard and confidence of the country, — the Tract Society, a powerful corporation, which scatters its publications freely in every corner of the land, — the Bible Society, an incorporated body, with large resources, which seeks to carry the Book of Life alike into Territories and States, — the Missionary Society, also an incorporated body, with large resources, which sends its agents everywhere, at home and in foreign lands? By what title do all these exist? Nay, Sir, by what title does an Insurance Company in New York send its agent to open an office in New Orleans? and by what title does Massachusetts capital contribute to the Hannibal and St. Joseph Railroad in Missouri, and also to the copper mines of Michigan? The Senator inveighs against the Native American party; but his own principle is narrower than any attributed to them. They object to the influence of emigrants from abroad: he objects to the influence of

[1] Mr. Douglas was born in Vermont.

American citizens at home, when exerted in States or Territories where they were not born. The whole assumption is too audacious for respectful argument. But since a great right is denied, the children of the Free States, over whose cradles has shone the North Star, owe it to themselves, to their ancestors, and to Freedom itself, that this right shall now be asserted to the fullest extent. By the blessing of God, and under the continued protection of the laws, they will go to Kansas, there to plant homes, in the hope of elevating this Territory soon into the sisterhood of Free States; and to such end they will not hesitate in the employment of all legitimate means, whether by companies of men or contributions of money, to swell a virtuous emigration, and they will justly scout any attempt to question this unquestionable right. Sir, if they fail to do this, they will be fit only for slaves themselves.

God be praised, Massachusetts, honored Commonwealth, that gives me the privilege to plead for Kansas on this floor, knows her rights, and will maintain them firmly to the end. This is not the first time in history that her public acts have been impeached and her public men exposed to contumely. Thus was it in the olden time, when she began the great battle whose fruits you all enjoy. But never yet has she occupied a position so lofty as at this hour. By the intelligence of her population, by the resources of her industry, by her commerce, cleaving every wave, by her manufactures, various as human skill, by her institutions of education, various as human knowledge, by her institutions of benevolence, various as human suffering, by the pages of her scholars and historians, by the voices of her poets and orators, she is now exerting an influence more sub-

tile and commanding than ever before, — shooting her far-darting rays wherever ignorance, wretchedness, or wrong prevails, and flashing light even upon those who travel far to persecute her. Such is Massachusetts ; and I am proud to believe that you may as well attempt with puny arm to topple down the earth-rooted, heaven-kissing granite which crowns the historic sod of Bunker Hill as to change her fixed resolve for Freedom everywhere, and especially now for Freedom in Kansas. I exult, too, that in this battle, which in moral grandeur surpasses far the whole war of the Revolution, she is able to preserve her just eminence. To the first she contributed troops in larger numbers than any other State, and larger than all the Slave States together; and now to the second, which is not of contending armies, but of contending opinions, on whose issue hangs trembling the advancing civilization of the age, she contributes, through the manifold and endless intellectual activity of her children, more of that divine spark by which opinions are quickened into life than is contributed by any other State, or by all the Slave States together, while her annual productive industry exceeds in value three times the whole vaunted cotton crop of the whole South.

Sir, to men on earth it belongs only to deserve success, not to secure it; and I know not how soon the efforts of Massachusetts will wear the crown of triumph. But it cannot be that she acts wrong for herself or her children, when in this cause she encounters reproach. No: by the generous souls once exposed at Lexington, — by those who stood arrayed at Bunker Hill, — by the many from her bosom who, on all the fields of the first great struggle, lent their vigorous arms to the cause of all, —

by the children she has borne, whose names alone are national trophies, is Massachusetts now vowed irrevocably to this work. What belongs to the faithful servant she will do in all things, and Providence shall determine the result.[1]

And here ends what I have to say of the four Apologies for the Crime against Kansas.[2]

III.

From this ample survey, where one obstruction after another has been removed, I now pass, in the third place, to the consideration of the *remedies proposed*, ending with the True Remedy.

The Remedy should be coextensive with the original Wrong; and since, by the passage of the Nebraska Bill, not only Kansas, but also Nebraska, Minnesota, Washington, and even Oregon, are opened to Slavery, the original Prohibition should be restored to its full activity throughout these various Territories. By such happy restoration, made in good faith, the whole country would be replaced in the condition it enjoyed before the introduction of that dishonest measure. Here is the Alpha and the Omega of our aim in this immediate contro-

[1] Mr. Butler, of South Carolina, in his two days' speech reviewing and denouncing Mr. Sumner, while the latter was suffering at home, said of this passage: "The best part of his late speech is a periphrasis of Demosthenes, almost a servile imitation of the apostrophe of Demosthenes. I never saw such a remarkable resemblance. . . . . I do not say it is a plagiarism; but it is a remarkable imitation, as far as one man incapable of comprehending the true spirit of Demosthenes could imitate him." — Speech in the Senate, June 12th and 13th, 1856: Congressional Globe, 34th Cong. 1st Sess., Appendix, p. 634.

[2] At this point, Mr. Sumner, having spoken three hours, yielded for a motion to adjourn. On the next day, May 20th, he concluded.

versy. But no such extensive measure is now in question. The Crime against Kansas is special, and all else is absorbed in the special remedies for it. Of these I shall now speak.

As the Apologies were fourfold, so are the proposed Remedies fourfold; and they range themselves in natural order, under designations which so truly disclose their character as even to supersede argument. First, we have *the Remedy of Tyranny;* next, *the Remedy of Folly;* next, *the Remedy of Injustice and Civil War;* and, fourthly, *the Remedy of Justice and Peace.* There are the four caskets; and you are to determine which shall be opened by Senatorial votes.

There is *the Remedy of Tyranny,* which, like its complement, the Apology of Tyranny, — though espoused on this floor, especially by the Senator from Illinois, — proceeds from the President, and is embodied in a special message. It proposes enforced obedience to the existing laws of Kansas, "whether Federal or *local*," when, in fact, Kansas has no "local" laws, except those imposed by the Usurpation from Missouri, and it calls for additional appropriations to complete this work of tyranny.

I shall not follow the President in his elaborate endeavor to prejudge the contested election now pending in the House of Representatives; for this whole matter belongs to the privileges of that body, and neither the President nor the Senate has a right to intermeddle therewith. I do not touch it. But now, while dismissing it, I should not pardon myself, if I failed to add, that any person who founds his claim to a seat in Congress on the pretended votes of hirelings from another State, with no home on the soil of Kansas, plays the part of

Anacharsis Clootz, who, at the bar of the French Convention, undertook to represent nations that knew him not, or, if they knew him, scorned him, with this difference, that in our American case the excessive farce of the transaction cannot cover its tragedy. But all this I put aside, to deal only with what is legitimately before the Senate.

I expose simply the tyranny which upholds the existing Usurpation, and asks for additional appropriations. Let it be judged by example from which in this country there can be no appeal. Here is the speech of George the Third, made from his throne to Parliament, in response to the complaints of the Province of Massachusetts Bay, which, though smarting under laws passed by usurped power, had yet avoided all armed opposition, while Lexington and Bunker Hill still slumbered in rural solitude, unconscious of the historic kindred they were soon to claim. Instead of Massachusetts Bay, in the royal speech, substitute Kansas, and the message of the President will be found fresh on the lips of the British King. Listen now to the words, which, in opening Parliament, 30th November, 1774, his Majesty, according to the official report, was pleased to speak.

"*My Lords and Gentlemen:* —

"It gives me much concern, that I am obliged, at the opening of this Parliament, to inform you that a most daring *spirit of resistance and disobedience to the law* still unhappily prevails in the Province of the *Massachusetts Bay*, and has in divers parts of it broke forth in fresh violences of a very criminal nature. *These proceedings have been countenanced and encouraged in other of my Colonies, and unwarrantable attempts have been made to obstruct the commerce of this kingdom by unlawful combinations.* I have taken such measures

and given such orders as I judged most proper and effectual *for carrying into execution the laws which were passed in the last session of the late Parliament*, for the protection and security of the commerce of my subjects, and for the restoring and preserving peace, order, and good government in the Province of the *Massachusetts Bay*."[1]

The King complained of a "daring spirit of resistance and disobedience to the law": so also does the President. The King adds, that it has "broke forth in fresh violences of a very criminal nature": so also does the President. The King declares that these proceedings have been "countenanced and encouraged in other of my Colonies": even so the President declares that Kansas has found sympathy in "remote States." The King inveighs against "unwarrantable attempts" and "unlawful combinations": even so inveighs the President. The King proclaims that he has taken the necessary steps "for carrying into execution the laws," passed in defiance of the constitutional rights of the Colonies: even so the President proclaims that he shall "exert the whole power of the Federal Executive" to support the Usurpation in Kansas. The parallel is complete. The Message, if not copied from the Speech of the King, has been fashioned on the same original block, and must be dismissed to the same limbo. I dismiss its tyrannical assumptions in favor of the Usurpation. I dismiss also its petition for additional appropriations, in the affected desire to maintain order in Kansas. It is not money or troops that you need there, but simply the good-will of the President. That is all, absolutely. Let his complicity with the Crime cease, and peace will be restored. For myself, I will not consent to wad the

[1] Hansard, Parliamentary History, XVIII. 33, 34.

national artillery with fresh appropriation bills, when its murderous hail is to be directed against the constitutional rights of my fellow-citizens.

Next comes *the Remedy of Folly*, which, indeed, is also a Remedy of Tyranny; but its Folly is so surpassing as to eclipse even its Tyranny. It does not proceed from the President. With this proposition he is not in any way chargeable. It comes from the Senator from South Carolina, who, at the close of a long speech, offered it as his single contribution to the adjustment of this question, and who thus far stands alone in its support. It might, therefore, fitly bear his name; but that which I now give to it is a more suggestive synonym.

This proposition, nakedly expressed, is, that the people of Kansas should be deprived of their arms. That I may not do the least injustice to the Senator, I quote his precise words.

"The President of the United States is under the highest and most solemn obligations to interpose; and if I were to indicate the manner in which he should interpose in Kansas, I would point out the old Common Law process. I would serve a warrant on Sharp's rifles; and if Sharp's rifles did not answer the summons, and come into court on a day certain, or if they resisted the sheriff, I would summon the *posse comitatus*, and I would have Colonel Sumner's regiment to be part of that *posse comitatus*." [1]

Really, Sir, has it come to this? The rifle has ever been the companion of the pioneer, and, under God, his tutelary protector against the red man and the beast of the forest. Never was this efficient weapon more

[1] Speech in the Senate, March 5, 1856: Congressional Globe, 34th Cong. 1st Sess., p. 587.

needed in just self-defence than now in Kansas; and at least one article in our National Constitution must be blotted out before the complete right to it can be in any way impeached. And yet such is the madness of the hour, that, in defiance of the solemn guaranty in the Amendments to the Constitution, that "the right of the people to keep and bear arms shall not be infringed," the people of Kansas are arraigned for keeping and bearing arms, and the Senator from South Carolina has the face to say openly on this floor that they should be disarmed, — of course that the fanatics of Slavery, his allies and constituents, may meet no impediment. Sir, the Senator is venerable with years; he is reputed also to have worn at home, in the State he represents, judicial honors; and he is placed here at the head of an important Committee occupied particularly with questions of law; but neither his years, nor his position, past or present, can give respectability to the demand he makes, or save him from indignant condemnation, when, to compass the wretched purposes of a wretched cause, he thus proposes to trample on one of the plainest provisions of Constitutional Liberty.

Next comes *the Remedy of Injustice and Civil War,* — organized by Acts of Congress. This proposition, which is also an offshoot of the original Remedy of Tyranny, proceeds from the Senator from Illinois [Mr. DOUGLAS], with the sanction of the Committee on Territories, and is embodied in the bill now pressed to a vote.

By this bill it is proposed as follows: —

"That, whenever it shall appear, by a census to be taken under the direction of the Governor, by the authority of the

Legislature, that there shall be 93,420 inhabitants (that being the number required by the present ratio of representation for a member of Congress) within the limits hereafter described as the Territory of Kansas, *the Legislature of said Territory shall be, and is hereby, authorized to provide by law for the election of delegates* by the people of said Territory, to assemble in Convention and form a Constitution and State Government, preparatory to their admission into the Union on an equal footing with the original States in all respects whatsoever, by the name of the State of Kansas."[1]

Now, Sir, consider these words carefully, and you will see, that, however plausible and velvet-pawed they may seem, yet in reality they are most unjust and cruel. While affecting to initiate honest proceedings for the formation of a State, they furnish to this Territory no redress for the Crime under which it suffers; nay, they recognize the very Usurpation in which the Crime ends, and proceed to endow it with new prerogatives. It is *by authority of the Legislature* that the census is to be taken, which is the first step in the work. It is also *by authority of the Legislature* that a Convention is to be called for the formation of a Constitution, which is the second step. But the Legislature is not obliged to take either of these steps. To its absolute wilfulness is it left to act or not to act in the premises. And since, in the ordinary course of business, there can be no action of the Legislature till January of the next year, all these steps, which are preliminary in character, are postponed till after that distant day, — thus keeping this great question open, to distract and irritate the country.

[1] For an abstract of this bill, see Congressional Globe, 34th Cong. 1st Sess., p. 693, March 20, 1856. Printed by the Senate at the time, but, as it was never passed, will not be found in the Statutes.

Clearly this is not what is required. The country desires peace at once, and is determined to have it. But this objection is slight by the side of the glaring tyranny, that, in recognizing the Legislature, and conferring upon it these new powers, the bill recognizes the existing Usurpation, not only as the authentic government of the Territory for the time being, but also as possessing a creative power to reproduce itself in the new State. Pass this bill, and you enlist Congress in the conspiracy, not only to keep the people of Kansas in their present subjugation throughout their Territorial existence, but also to protract this subjugation into their existence as a State, while you legalize and perpetuate the very *force* by which Slavery is already planted there.

I know that there is another deceptive clause which seems to throw certain safeguards around the election of delegates to the Convention, *when that Convention shall be ordered by the Legislature;* but out of this very clause do I draw judgment against the Usurpation which the bill recognizes. It provides that the tests, coupled with the electoral franchise, shall not prevail in the election of delegates, and thus impliedly condemns them. But if they are not to prevail on this occasion, why are they permitted at the election of the Legislature? If they are unjust in the one case, they are unjust in the other. If annulled at the election of delegates, they should be annulled at the election of the Legislature; *whereas the bill of the Senator leaves all these offensive tests in full activity at the election of the very Legislature out of which this whole proceeding is to come,* and it leaves the polls at both elections in the control of the officers appointed by the Usurpation. Consider well the

facts. By existing statute establishing the Fugitive Slave Bill as a shibboleth, a large portion of honest citizens are excluded from voting for the Legislature, while, by another statute, all who present themselves with a fee of one dollar, whether from Missouri or not, and who can pronounce this shibboleth, are entitled to vote. And it is a Legislature thus chosen, under the auspices of officers appointed by the Usurpation, that you now propose to invest with parental powers to rear the Territory into a State. You recognize and confirm the Usurpation which you ought to annul without delay. You put the infant State, now preparing to take a place in our sisterhood, to suckle the wolf which you ought at once to kill. The marvellous story of Baron Munchausen is verified. The wolf which thrust itself into the harness of the horse it had devoured, and then whirled the sledge according to mere brutal bent, is recognized by this bill, and kept in its usurped place, when the safety of all requires that it should be shot.

In characterizing this bill as *the Remedy of Injustice and Civil War*, I give it a plain, self-evident title. It is a continuation of the Crime against Kansas, and as such deserves the same condemnation. It can be defended only by those who defend the Crime. Sir, you cannot expect that the people of Kansas will submit to the Usurpation which this bill sets up and bids them bow before, as the Austrian tyrant set up the ducal hat in the Swiss market-place. If you madly persevere, Kansas will not be without her William Tell, who will refuse at all hazards to recognize the tyrannical edict; and this will be the beginning of civil war.

Next, and lastly, comes *the Remedy of Justice and Peace*, proposed by the Senator from New York [Mr. SEWARD], and embodied in his bill for the immediate admission of Kansas as a State of this Union, now pending as a substitute for the bill of the Senator from Illinois. This is sustained by the prayer of the people of the Territory, setting forth a Constitution formed by spontaneous movement, in which all there had opportunity to participate, without distinction of party. Rarely is any proposition presented so simple in character, so entirely practicable, so absolutely within your power, and promising at once such beneficent results. In its adoption, the Crime against Kansas will be all happily absolved, the Usurpation it established peacefully suppressed, and order permanently secured. By a joyful metamorphosis this fair Territory may be saved from outrage.

> " Oh, help," she cries, " in this extremest need,
> If you who hear are Deities indeed!
> Gape, Earth, and make for this dread foe a tomb
> *Or change my form, whence all my sorrows come!*"[1]

In offering this proposition, the Senator from New York has entitled himself to the gratitude of the country. Throughout a life of unsurpassed industry and of eminent ability, he has done much for Freedom, which the world will not let die; but than this he has done nothing more opportune, and he has uttered no words more effective than the speech, so masterly and ingenious, by which he vindicated it.

Kansas now presents herself for admission with a Constitution republican in form. And, independently of the great necessity of the case, three considerations of

[1] Ovid, Metamorphoses, Book I, 545–547.

fact concur in commending her. First, she thus testifies her willingness to relieve the National Government of the considerable pecuniary responsibility to which it is now exposed on account of the pretended Territorial Government. Secondly, by her recent conduct, particularly in repelling the invasion on the Wakarusa, she has evinced an ability to defend her government. And, thirdly, by the pecuniary credit she now enjoys, she shows undoubted ability to support it. What can stand in her way?

The power of Congress to admit Kansas at once is explicit. It is found in a single clause of the Constitution, which, taken by itself, without any qualification applicable to the present case, and without doubtful words, requires no commentary. Here it is.

"New States *may* be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress."

New States MAY be admitted. Out of that little word *may* comes the power, broadly and fully, without any limitation founded on population or preliminary forms, provided the State is not within the jurisdiction of another State, nor formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States. Kansas is not within the *legal* jurisdiction of another State, although the laws of Missouri are tyrannically extended over her; nor is Kansas formed by the junction of two or more States;

and therefore Kansas *may* be admitted by Congress into the Union, without regard to population or preliminary forms. You cannot deny the power, without obliterating this clause. The Senator from New York was right in rejecting all appeal to precedents as entirely irrelevant; for the power invoked is clear and express in the Constitution, which is above all precedent. But since precedent is enlisted, let us look at precedent.

It is objected that the *population* of Kansas is not sufficient for a State; and this objection is sustained by under-reckoning the numbers there, and exaggerating the numbers required by precedent. In the absence of any recent census, it is impossible to do more than approximate to the actual population; but, from careful inquiry of the best sources, I am led to place it now at 50,000, though I observe that a prudent authority, the "Boston Daily Advertiser," puts it as high as 60,000; and while I speak, this remarkable population, fed by fresh emigration, is outstripping even these calculations. Nor can there be doubt, that, before the assent of Congress can be perfected in the ordinary course of legislation, this population will swell to the large number of 93,420, required in the bill of the Senator from Illinois. *But, in making this number the condition of the admission of Kansas, you set up an extraordinary standard.* There is nothing out of which it can be derived, from the beginning to the end of the precedents. Going back to the days of the Continental Congress, you find that in 1784 it was declared that 20,000 free inhabitants in a Territory might "establish a permanent Constitution and Government for themselves";[1] and though this number was afterwards, in the Ordinance of 1787 for

[1] Journal of Congress, Vol. IX. p. 153.

the Northwestern Territory, raised to 60,000, yet the power was left in Congress, and subsequently exercised in more than one instance, to constitute a State with a smaller number. Out of all the new States, only Maine, Wisconsin, and Texas contained, at the time of admission into the Union, so large a population as is required in Kansas, — while no less than *fifteen* new States have been admitted with a smaller population, as will appear by the following list, which is the result of research, showing the number of "free inhabitants" in these States at the date of the proceedings which ended in their admission.

Vermont,	85,399	Alabama,	48,871
Kentucky,	61,247	Missouri,	56,364
Tennessee,	66,650	Arkansas,	42,635
Ohio,	45,028	Michigan,	87,273
Louisiana,	41,896	Florida,	32,500
Indiana,	63,897	Iowa,	78,819
Mississippi,	25,938	California,	92,597
Illinois,	40,156		

But this is not all. At the adoption of the National Constitution there were three of the old Thirteen whose respective populations did not reach the amount now required of Kansas: these were Delaware, with only 50,209 free inhabitants; Rhode Island, with only 68,158 free inhabitants; and Georgia, with only 53,284 free inhabitants. And even while I speak, there are at least three States, with Senators on this floor, which, according to the last census, do not contain the population now required of Kansas: I refer to California, with only 92,597 free inhabitants; Delaware, with only 89,242 free inhabitants; and Florida, with only 48,135 free inhabitants. So much for precedents of population.

In sustaining this objection, it is not uncommon to abandon the strict rule of numerical precedent, and to allege that the population required in a new State has always been, in point of fact, above the existing ratio of representation for a member of the House of Representatives. But this is not true; for no less than three States, Mississippi, Arkansas, and Florida, being all Slave States, were admitted with a free population below this ratio. So much, again, for precedents. But even if this coincidence were complete, it would be impossible to press it into binding precedent. The rule seems reasonable, and in ordinary cases would not be questioned; but it cannot be drawn or implied from the Constitution. Besides, this ratio is in itself a sliding scale. At first it was 30,000, increased in 1793 to 33,000, and thus continued till 1813, when it was put at 35,000. In 1823 it was 40,000; in 1833 it was 47,700; in 1843 it was 70,680; and now it is 93,420. If any ratio is to be made the foundation of binding rule, it should be that which prevailed at the adoption of the Constitution, — or at least that which prevailed when Kansas, as part of Louisiana, was acquired from France, under solemn stipulation that it should "be incorporated in the Union of the United States, and admitted *as soon as possible*, according to the principles of the Federal Constitution." But this whole objection is met by the memorial of the people of Florida, which, if good for that State, is also good for Kansas. Here is a passage.

"But the people of Florida respectfully insist that their right to be admitted into the Federal Union as a State is not dependent upon the fact of their having a population equal to such ratio. Their right to admission, it is con-

ceived, is guarantied by the express pledge in the sixth article of the treaty [with Spain] before quoted; and if any rule as to the number of population is to govern, it should be that in existence at the time of the cession, which was thirty-five thousand.[1] They submit, however, that any ratio of representation, dependent on legislative action, based solely on convenience and expediency, shifting and vacillating as the opinion of a majority of Congress may make it, now greater than at a previous apportionment, but which a future Congress may prescribe to be less, cannot be one of the *constitutional* 'PRINCIPLES' referred to in the treaty, consistency with which, by its terms, is required. It is, in truth, but a mere regulation, not founded on principle. No specific number of population is required by any recognized principle as necessary in the establishment of a free Government. .... It is in no wise '*inconsistent with the principles of the Federal Constitution*' that the population of a State should be less than the ratio of Congressional representation. The very case is provided for in the Constitution. With such deficient population, she would be entitled to one Representative. If any event should cause a decrease of the population of one of the States even to a number below the *minimum* ratio of representation prescribed by the Constitution, she would still remain a member of the Confederacy, and be entitled to such Representative. It is respectfully urged, that a rule or principle which would not justify the *expulsion* of a State with a deficient population, on the ground of inconsistency with the Constitution, should not exclude or prohibit *admission*."[2]

Thus, Sir, do the people of Florida plead for the people of Kansas.

[1] This was the ratio at the cession of Florida. At the cession of Louisiana it was 33,000.

[2] Memorial of the People of the Territory of Florida for Admission into the Union: Executive Documents, 27th Cong. 2d Sess., Vol. IV. No. 206, p. 3.

Distrusting the objection from inadequacy of population, it is said that *the proceedings for the formation of a new State are fatally defective in form.* It is not asserted that a previous enabling Act of Congress is indispensable; for there are notorious precedents the other way: among which are Kentucky, in 1791; Tennessee, in 1796; Maine, in 1820; and Arkansas and Michigan, in 1836. But it is urged that in no instance has a State been admitted whose Constitution was formed without such enabling Act, or without authority of the Territorial Legislature. This is not true; for California came into the Union with a Constitution formed not only without any previous enabling Act, but also without any sanction from a Territorial Legislature. The proceedings which ended in this Constitution were initiated by the military Governor there, acting under the exigency of the hour. This instance may not be identical in all respects with that of Kansas; but it displaces completely one of the assumptions which Kansas now encounters, and it completely shows the disposition to relax all rule, under the exigency of the occasion, in order to do substantial justice.

There is a memorable instance, which contains in itself every element of irregularity which you denounce in the proceedings of Kansas. Michigan, now cherished with such pride as a sister State, achieved admission into the Union in persistent defiance of all rule. Do you ask for precedents? Here is a precedent for the largest latitude, which you who profess deference to precedent cannot disown. Mark now the stages of this case. The first proceedings of Michigan were without any previous enabling Act of Congress; and she presented herself at your door with a Constitution thus

formed, and with Senators chosen under that Constitution, precisely as Kansas does. This was in December, 1835, while Andrew Jackson was President. The leaders of the Democracy at that time scouted all objection for alleged defects of form, employing language strictly applicable to Kansas. There is nothing new under the sun; and the very objection of the President, that the application of Kansas proceeds from "persons acting against authorities duly constituted by Act of Congress," [1] was hurled against the application of Michigan, in debate on this floor. This was the language of Mr. Hendricks, of Indiana: —

"But the people of Michigan, in presenting their Senate and House of Representatives as the legislative power existing there, *showed that they had trampled upon and violated the laws of the United States establishing a Territorial Government in Michigan.* These laws were, or ought to be, in full force there; but, by the character and position assumed, they had set up a Government antagonist to that of the United States." [2]

To this impeachment Mr. Benton replied in these effective words: —

"Conventions were original acts of the people. They depended upon inherent and inalienable rights. The people of any State may at any time meet in Convention, without a law of their Legislature, and without any provision, or against any provision, in their Constitution, and may alter or abolish the whole frame of Government as they please. The sovereign power to govern themselves was in the majority, and they could not be divested of it." [3]

[1] Message relative to Affairs in the Territory of Kansas, Jan. 24, 1856: Executive Documents, 34th Cong. 1st Sess., Vol. VII. No. 28, p. 6.

[2] Congressional Globe, 24th Cong. 1st Sess., p. 140, Jan. 26, 1836.

[3] Ibid., Appendix, p. 307, April 1, 1836.

Mr. Buchanan vied with Mr. Benton in vindicating the new State.

"The precedent in the case of Tennessee . . . . has completely silenced all opposition in regard to the necessity of a previous Act of Congress to enable the people of Michigan to form a State Constitution. It now seems to be conceded that our subsequent approbation is equivalent to our previous action. This can no longer be doubted. *We have the unquestionable power of waiving any irregularities in the mode of framing the Constitution, had any such existed.*" [1]

"He did hope that by this bill all objections would be removed, — and that this State, so ready to rush into our arms, would not be repulsed, *because of the absence of some formalities which perhaps were very proper, but certainly not indispensable.*" [2]

After an animated contest in the Senate, the bill for the admission of Michigan, *on her assent to certain conditions*, was passed, by 23 yeas to 8 nays. You find weight, as well as numbers, on the side of the new State. Among the yeas were Thomas H. Benton, of Missouri, James Buchanan, of Pennsylvania, Silas Wright, of New York, and William R. King, of Alabama.[3] Subsequently, on motion of Mr. Buchanan, the gentlemen sent as Senators and Representative by the new State received the regular compensation for attendance throughout the very session in which their seats had been so acrimoniously contested. [4]

In the House of Representatives the application was equally successful. The Committee on the Judiciary,

[1] Congressional Globe, 24th Cong. 1st Sess., Appendix, p. 331, April 1, 1836.

[2] Ibid., p. 308.

[3] Senate Journal, 24th Cong. 1st Sess., p. 262, April 1, 1836.

[4] Ibid., pp. 437, 439. Act of July 2, 1836: Statutes at Large, Vol. V. p. 113.

in an elaborate report, reviewed the objections, and, among other things, said: —

"That the people of Michigan have without due authority formed a State Government; but, nevertheless, *that Congress has power to waive any objection which might on that account be entertained* to the ratification of the Constitution which they have adopted, and to admit their Senators and Representatives to take their seats in the Congress of the United States." [1]

The House sustained this view by a vote of 153 yeas to 45 nays. In this large majority, by which the title of Michigan was then recognized, will be found the name of Franklin Pierce, at that time a Representative from New Hampshire.

But the case was not ended. The fiercest trial and the greatest irregularity remained. The Act providing for the admission of the new State contained a modification of its boundaries, and proceeded to require, as *a fundamental condition*, that these should "receive the assent of a Convention of delegates elected by the people of the said State, for the sole purpose of giving the assent herein required." [2] Such a Convention, duly elected under call from the Legislature, met in pursuance of law, and, after consideration, declined to come into the Union on the condition proposed. The action of this Convention was not universally satisfactory; and in order to effect admission into the Union, another Convention was called, *professedly* by the people in their sovereign capacity, without authority from State or Territorial Legislature, — nay, Sir, borrowing the language of the present President, "against authori-

[1] Reports of Committees, 24th Cong. 1st Sess., Vol. II. No. 380, p. 18.
[2] Act of June 15th, 1836: Statutes at Large, Vol. V. p. 50.

ties duly constituted by Act of Congress," at least as much as the recent Convention in Kansas. The irregularity of this Convention was increased by the circumstance that two of the oldest counties of the State, comprising a population of some 25,000 souls, refused to take part in it, even to the extent of not opening the polls for the election of delegates, claiming that it was held without warrant of law, and in defiance of the legal Convention. This popular Convention, though wanting popular support coextensive with the State, yet proceeded, by formal act, to give the assent of the people of Michigan to the fundamental condition proposed by Congress.

The proceedings of the two Conventions were transmitted to President Jackson, who, by message, 27th December, 1836, laid them both before Congress, indicating very clearly his desire to ascertain the will of the people, without regard to form. The origin of the popular Convention he thus describes : —

"This latter Convention was not held or elected by virtue of any Act of the Territorial or State Legislature. It originated from the People themselves, and was chosen by them in pursuance of resolutions adopted in primary assemblies held in the respective counties." [1]

And the President then declares, that, had these proceedings come to him during the recess of Congress, he should have felt it his duty, on being satisfied that they emanated from a Convention of delegates elected *in point of fact by the People of the State,* to issue his proclamation for the admission of the State.

The Committee on the Judiciary in the Senate, of

[1] Senate Documents, 24th Cong. 2d Sess., Vol. I. No. 36, p. 2.

which Felix Grundy was Chairman, after inquiry, recognized the competency of the popular Convention, as "elected by the People of the State of Michigan," and reported a bill, responsive to their acceptance of the proposed condition, for the admission of the State without further terms.[1] Then, Sir, appeared the very objections now directed against Kansas. It was complained, that the movement for immediate admission was the work of "a minority," and that "a great majority of the State feel otherwise."[2] And a leading Senator, of great ability and integrity, Mr. Ewing, of Ohio, broke forth in catechism which would do for the present hour. He exclaimed: —

"What evidence had the Senate of the organization of the Convention? of the organization of the popular assemblies who appointed their delegates to that Convention? None on earth. Who they were that met and voted we had no information. Who gave the notice? And for what did the People receive that notice? To meet and elect? What evidence was there that the Convention acted according to law? Were the delegates sworn? And if so, they were extrajudicial oaths, and not binding upon them. . . . . Were the votes counted? In fact, it was not a proceeding under the forms of law, for they were totally disregarded."[3]

And the same able Senator, on another occasion, after exposing the imperfect evidence with regard to the action of the Convention, existing only in letters and in an article from a Detroit newspaper, again exclaimed: —

[1] Senate Journal, 24th Cong. 2d Sess., p. 72. Act of 26th January, 1837: Statutes at Large, Vol. V. p. 144.

[2] Senate Documents, 24th Cong. 2d Sess., Vol. I. No. 36, p. 5.

[3] Congressional Globe, 24th Cong. 2d Sess., pp. 60, 61.

"This, Sir, is the evidence to support an organic law of a new State about to enter the Union, — yes, of an organic law, the very highest act a community of men can perform: letters referring to other letters, and a scrap of a newspaper!"[1]

It was Mr. Calhoun, however, who pressed the opposition with the most persevering intensity. In his sight, the admission of Michigan, under the circumstances, "would be the most monstrous proceeding under our Constitution that can be conceived, the most repugnant to its principles and dangerous in its consequences."[2] "There is not," he exclaimed, "one particle of official evidence before us. We have nothing but the private letters of individuals, who do not know even the numbers that voted on either occasion. They know nothing of the qualifications of voters, nor how their votes were received, nor by whom counted."[3] And he proceeded to characterize the popular Convention as "not only a party caucus, for party purpose, but a criminal meeting, — a meeting to subvert the authority of the State, and to assume its sovereignty," — adding, that "the actors in that meeting might be indicted, tried, and punished."[4] And he expressed astonishment that "a self-created meeting, convened for a criminal object, had dared to present to this Government an act of theirs, and to expect that we are to receive this irregular and criminal act, as a fulfilment of the condition which we had prescribed for the admission of the State."[5] No stronger words are employed against Kansas.

[1] Debates in Congress, Vol. XIII. Part I. col. 233, 24th Cong. 2d Sess. This debate is not reported in the Congressional Globe.

[2] Ibid., col. 209.

[3] Ibid., col. 208.

[4] Ibid., col. 300.

[5] Ibid.

The single question on which all the proceedings then hinged, and which is as pertinent in the case of Kansas as in the case of Michigan, was thus put by Mr. Morris, of Ohio: "*Will Congress recognize as valid, constitutional, and obligatory, without the color of a law of Michigan to sustain it, an act done by the People of that State in their primary assemblies, and acknowledge that act as obligatory on the constituted authorities and Legislature of the State?*"[1] This question, thus distinctly presented, was answered in debate by able Senators, among whom were Mr. Benton and Mr. King. There was one person, who has since enjoyed much public confidence, and left many memorials of an industrious career in the Senate and in diplomatic life, James Buchanan, who rendered himself conspicuous by the ability and ardor with which, against all assault, he upheld the cause of the popular Convention, which was so strongly denounced, and the entire conformity of its proceedings with the genius of American Institutions. His speeches on that occasion contain an unanswerable argument at all points, *mutato nomine*, for the immediate admission of Kansas under her present Constitution; nor is there anything by which he is now distinguished that will redound so truly to his fame, if he only continues true to them. The question was emphatically answered in the Senate by the final vote on the passage of the bill, where we find 25 yeas to only 10 nays. In the House of Representatives, after debate, the question was answered in the same way, by a vote, on ordering the bill to a third reading, of 140 yeas to 57 nays; and among the yeas is again the name of FRANKLIN PIERCE, a Representative from New Hampshire.

[1] Debates in Congress, Vol. XIII. Part I. col. 215, 24th Cong. 2d Sess.

Thus, in that day, by triumphant votes, did the cause of Kansas prevail in the name of Michigan. A popular Convention, called absolutely without authority, and containing delegates from a portion only of the population,— called, too, in opposition to constituted authorities, and in derogation of another Convention assembled under forms of law,— stigmatized as a caucus and a criminal meeting, whose authors were liable to indictment, trial, and punishment,— was, after ample debate, recognized by Congress as valid; and Michigan now holds her place in the Union, and her Senators sit on this floor, by virtue of that act. Sir, if Michigan is legitimate, Kansas cannot be illegitimate. You bastardize Michigan, when you refuse to recognize Kansas.

But this is not all. The precedent is still more clinching. Thus far I have followed exclusively the public documents laid before Congress, and illustrated by the debates of that body; but well-authenticated facts, not of record here, make the case stronger still. It is sometimes said that the proceedings in Kansas are defective because they originated in a party. This is not true; but even if it were true, yet would they find support in the example of Michigan, where all the proceedings, stretching through successive years, began and ended in party. The proposed State Government was pressed by the Democrats as a *party test;* and all who did not embark in it were denounced. Of the Legislative Council which called the first Constitutional Convention in 1835, all were Democrats; and in the Convention itself, composed of eighty-seven members, only seven were Whigs. The Convention of 1836 which gave the final assent originated in a

Democratic Convention, on the 29th of October, in the County of Wayne, composed of one hundred and twenty-four delegates, all Democrats, who proceeded to resolve: —

"That the delegates of the *Democratic party* of Wayne, solemnly impressed with the spreading evils and dangers which a refusal to go into the Union has brought upon the people of Michigan, earnestly recommend meetings to be immediately convened by their fellow-citizens in every county of the State, with a view to the expression of their sentiments in favor of the election and call of another Convention, in time to secure our admission into the Union before the first of January next."

Shortly afterwards, a committee of five, appointed by this Convention, all leading Democrats, issued a circular, "under the authority of the delegates of the County of Wayne," recommending that the voters throughout Michigan should meet and elect delegates to a Convention to give the necessary assent to the Act of Congress. In pursuance of this call, the Convention met; and as it originated in an exclusively party recommendation, so it was of an exclusively party character. And it was the action of this Convention that was submitted to Congress, and, after discussion in both bodies, on solemn votes, approved.

The precedent of Michigan has another feature, which is entitled to gravest attention, especially at this moment, when citizens exerting themselves to establish a State Government in Kansas are openly arrested on the charge of treason, and we are startled by tidings of maddest efforts to press this procedure of preposterous Tyranny. No such madness prevailed under Andrew

Jackson, — although, during the long pendency of the Michigan proceedings, for more than fourteen months, the Territorial Government was entirely ousted, and the State Government organized in all its departments. One hundred and thirty-seven different legislative acts and resolutions were passed, providing for elections, imposing taxes, erecting corporations, and organizing courts of justice, including a Supreme Court and a Court of Chancery. All process was issued in the name of the People of the State of Michigan. And yet no attempt was made to question the legal validity of these proceedings, whether legislative or judicial. Least of all did any menial Governor, "dressed in a little brief authority," play the fantastic tricks now witnessed in Kansas; nor did any person wearing the robes of justice shock high Heaven with the mockery of injustice now enacted by emissaries of the President in that Territory. No, Sir: nothing of this kind then occurred. Andrew Jackson was President.

Again I say, do you require a precedent? I give it. But I will not stake this cause on any precedent. I plant it firmly on the fundamental principle of American Institutions, as embodied in the Declaration of Independence, by which government is recognized as deriving its just powers only *from the consent of the governed*, who may alter or abolish it, when it becomes destructive of their rights. In the debate on the Nebraska Bill, at the overthrow of the Prohibition of Slavery, the Declaration of Independence was denounced as "a self-evident lie." It is only by similar effrontery that the fundamental principle which sustains the proceedings in Kansas can be assailed. Nay, more: you must disown the Declaration of Independence, and

adopt the Circular of the Holy Alliance, which declares that "useful or necessary changes in legislation and in the administration of states *ought to emanate only from the free will and the deliberate and enlightened impulse of those whom God has rendered responsible for power.*"[1] Face to face I put the principle of the Declaration of Independence and the principle of the Holy Alliance, and bid them grapple. "The one places the remedy in the hands which *feel* the disorder; the other places the remedy in those hands which *cause* the disorder"; and when I thus truthfully characterize them, I but adopt a sententious phrase from the Debates in the Virginia Convention on the adoption of the National Constitution.[2] And now these two principles, embodied in the rival propositions of the Senator from New York and the Senator from Illinois, must grapple on this floor.

Statesmen and judges, publicists and authors, with names of authority in American history, espouse and vindicate the American principle. Hand in hand they now stand around Kansas, and feel this new State lean on them for support. I content myself with adducing two only, both from slaveholding Virginia, in days when Human Rights were not without support in that State. Listen to the language of St. George Tucker, the distinguished commentator upon Blackstone, uttered from the bench in a judicial opinion.

"The power of convening the legal Assemblies, or the ordinary constitutional Legislature, *resided solely in the Executive.* They could neither be chosen without writs issued by its authority, nor assemble, when chosen, but under the

1 Dépêche Circulaire, Laybach, 12 Mai, 1821: Martens, Nouveau Recueil de Traités, Tom. V. p. 644.

2 Speech of Mr. Corbin, June 7, 1788: Elliot's Debates, Vol. II. p. 104.

same authority. The Conventions, on the contrary, were chosen and assembled either in pursuance of recommendations from Congress or from their own bodies, *or by the discretion and common consent of the people.* They were held even whilst a legal Assembly existed. . . . . The Convention, then, was not the ordinary Legislature of Virginia. It was the body of the people, impelled to assemble from a sense of common danger, consulting for the common good, and acting in all things for the common safety."[1]

Listen also to the language of James Madison: —

"That, in all great changes of established governments, forms ought to give way to substance; that a rigid adherence in such cases to the former would render nominal and nugatory the transcendent and precious right of the people to 'abolish or alter their governments as to them shall seem most likely to effect their safety and happiness.' . . . . Nor could it have been forgotten *that no little ill-timed scruples, no zeal for adhering to ordinary forms, were anywhere seen, except in those who wished to indulge, under these masks, their secret enmity to the substance contended for.*"[2]

Proceedings thus sustained I am unwilling to call *revolutionary,* although this term has the sanction of the Senator from New York. They are founded on unquestionable American right, declared with Independence, confirmed by the blood of the Fathers, and expounded by patriots, which cannot be impeached without impairing the liberties of all. On this head the language of Mr. Buchanan, in reply to Mr. Calhoun, is explicit.

"Does the gentleman [Mr. CALHOUN] contend, then, that, if, in one of the States of this Union, the Government be so

[1] 1 Virginia Cases, 70, 71, Kamper *v.* Hawkins.
[2] The Federalist, No. 40.

organized as utterly to destroy the right of equal representation, there is no mode of obtaining redress, but by an Act of the Legislature authorizing a Convention, or by open rebellion? Must the people step at once from oppression to open war? Must it be either absolute submission or absolute revolution? *Is there no middle course?* I cannot agree with the Senator. I say that the whole history of our Government establishes the principle that the people are sovereign, and that a majority of them can alter or change their fundamental laws at pleasure. *I deny that this is either rebellion or revolution. It is an essential and a recognized principle in all our forms of government.*"[1]

Surely, Sir, if ever there was occasion for the exercise of this right, the time had come in Kansas. The people there were subjugated by a horde of foreign invaders, and brought under a tyrannical code of revolting barbarity, while among them property and life were exposed to shameless assaults which flaunted at noonday, and to reptile abuses which crawled in the darkness of night. *Self-defence is the first law of Nature;* and unless this law is temporarily silenced, as all other law is silenced there, you cannot condemn the proceedings in Kansas. Here, Sir, is unquestionable authority, *in itself an overwhelming law,* which belongs to all countries and times, — which is the same in Kansas as at Athens and Rome, — which is now, and will be hereafter, as it was in other days, — in presence of which Acts of Congress and Constitutions are powerless as the voice of man against the thunder which rolls through the sky, — which declares itself coëval with life, — whose very breath is life itself; and now, in the last resort, do I place all these proceedings under this supreme safeguard,

[1] Debates in Congress, Vol. XIII. Part I. col. 313, 24th Cong. 2d Sess.

which you will assail in vain. Any opposition must be founded on absolute perversion of facts, or perversion of fundamental principles, which no speeches can uphold, though surpassing in numbers the myriad piles sunk in the mud to sustain the Dutch Stadthouse at Amsterdam.

Thus, on every ground of precedent, whether as regards population or forms of proceeding, — also, on the vital principle of American Institutions, — and, lastly, on the supreme law of self-defence, do I now invoke the power of Congress to admit Kansas at once and without hesitation into the Union. "New States *may* be admitted by the Congress into this Union": such are the words of the Constitution. If you hesitate for want of precedent, then do I appeal to the great principle of American Institutions. If, forgetting the origin of the Republic, you turn away from this principle, then, in the name of human nature, trampled down and oppressed, but aroused to just self-defence, do I plead for the exercise of this power. Do not hearken, I pray you, to the propositions of Tyranny and Folly; do not be ensnared by that other proposition of the Senator from Illinois [Mr. DOUGLAS], where is the horrid root of Injustice and Civil War; but apply gladly, and at once, the True Remedy, where are Justice and Peace.

Mr. President, an immense space has been traversed, and I stand now at the goal. The argument in its various parts is here closed. The Crime against Kansas has been displayed in its origin and extent, beginning with the overthrow of the Prohibition of Slavery, next

cropping out in conspiracy on the borders of Missouri, then hardening into continuity of outrage through organized invasion and miscellaneous assaults where all security was destroyed, and ending at last in the perfect subjugation of a generous people to an unprecedented Usurpation. Turning aghast from the Crime, which, like murder, confesses itself "with most miraculous organ," we have looked with mingled shame and indignation upon the four Apologies, whether of Tyranny, Imbecility, Absurdity, or Infamy, in which it is wrapped, marking especially false testimony, congenial with the original Crime, against the Emigrant Aid Company. Then were noted, in succession, the four Remedies, whether of Tyranny, Folly, Injustice and Civil War, or of Justice and Peace, which last bids Kansas, in conformity with past precedents and under exigencies of the hour, for redemption from Usurpation, to take her place as a State of the Union; and this is the True Remedy. If in this argument I have not unworthily vindicated Truth, then have I spoken according to my desires, — if imperfectly, then only according to my powers. But there are other things, not belonging to the argument, which still press for utterance.

Sir, the people of Kansas, bone of your bone and flesh of your flesh, with the education of freemen and the rights of American citizens, now stand at your door. Will you send them away, or bid them enter? Will you push them back to renew their struggle with a deadly foe, or will you preserve them in security and peace? Will you cast them again into the den of Tyranny, or will you help their despairing efforts to escape?

These questions I put with no common solicitude, for I feel that on their just determination depend all the most precious interests of the Republic; and I perceive too clearly the prejudices in the way, and the accumulating bitterness against this distant people, now claiming a simple birthright, while I am bowed with mortification, as I recognize the President of the United States, who should have been a staff to the weak and a shield to the innocent, at the head of this strange oppression.

At every stage the similitude between the wrongs of Kansas and those other wrongs against which our fathers rose becomes more apparent. Read the Declaration of Independence, and there is hardly an accusation against the British Monarch which may not now be hurled with increased force against the American President. The parallel has fearful particularity. Our fathers complained, that the King had "sent hither swarms of officers to harass our people and eat out their substance," — that he had "combined with others to subject us to a jurisdiction foreign to our Constitution, *giving his assent to their acts of pretended legislation*," — that he had "abdicated government here, by declaring us out of his protection, and *waging war against us*," — that he had "excited domestic insurrections amongst us, and *endeavored to bring on the inhabitants of our frontiers the merciless savages*," — that "our repeated petitions have been answered only by repeated injury." And this arraignment was aptly followed by the damning words, that "a Prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people." And surely the President who does all these things cannot be less un-

fit than a Prince. At every stage the responsibility is brought directly to him. His offence is of commission and omission. He has done that which he ought not to have done, and has left undone that which he ought to have done. By his activity the Prohibition of Slavery was overturned. By his failure to act the honest emigrants in Kansas are left a prey to wrong of all kinds. His activity and inactivity are alike fatal. And now he stands forth the most conspicuous enemy of that unhappy Territory.

As the tyranny of the British King is all renewed in the President, so are renewed on this floor the old indignities which embittered and fomented the troubles of our fathers. The early petition of the American Congress to Parliament, long before any suggestion of Independence, was opposed — like the petitions of Kansas — because that body "was assembled without any requisition on the part of the Supreme Power." Another petition from New York, presented by Edmund Burke, was flatly rejected, as claiming rights derogatory to Parliament. And still another petition from Massachusetts Bay was dismissed as "vexatious and scandalous," while the patriot philosopher who bore it was exposed to peculiar contumely. Throughout the debates our fathers were made the butt of sorry jest and supercilious assumption. And now these scenes, with these precise objections, are renewed in the American Senate.

With regret I come again upon the Senator from South Carolina [Mr. BUTLER], who, omnipresent in this debate,[1] overflows with rage at the simple suggestion

[1] An examination of the *Globe* shows, that, besides a regular speech, the Senator intervened, often irregularly and impatiently, no less than thirty-five times.

that Kansas has applied for admission as a State, and, with incoherent phrase, discharges the loose expectoration of his speech, now upon her representative, and then upon her people. There was no extravagance of the ancient Parliamentary debate which he did not repeat; nor was there any possible deviation from truth which he did not make, — with so much of passion, I gladly add, as to save him from the suspicion of intentional aberration. But the Senator touches nothing which he does not disfigure — with error, sometimes of principle, sometimes of fact. He shows an incapacity of accuracy, whether in stating the Constitution or in stating the law, whether in details of statistics or diversions of scholarship. He cannot ope his mouth, but out there flies a blunder. Surely he ought to be familiar with the life of Franklin; and yet he referred to this household character, while acting as agent of our fathers in England, as above suspicion: and this was done that he might give point to a false contrast with the agent of Kansas,[1] — not knowing, that, however the two may differ in genius and fame, they are absolutely alike in this experience: that Franklin, when intrusted with the petition of Massachusetts Bay, was assaulted by a foul-mouthed speaker where he could not be heard in defence, and denounced as "thief," even as the agent of Kansas is assaulted on this floor, and denounced as "forger." And let not the vanity of the Senator be inspired by parallel with the British statesmen of that day; for it is only in hostility to Freedom that any parallel can be found.

But it is against the people of Kansas that the sen-

[1] Hon. James H. Lane, afterwards Senator of Kansas at Washington.

sibilities of the Senator are particularly aroused. Coming, as he announces, "from a State," — ay, Sir, from South Carolina, — he turns with lordly disgust from this newly formed community, which he will not recognize even as "a member of the body politic."[1] Pray, Sir, by what title does he indulge in this egotism? Has he read the history of the "State" which he represents? He cannot, surely, forget its shameful imbecility from Slavery, confessed throughout the Revolution, followed by its more shameful assumptions for Slavery since. He cannot forget its wretched persistence in the slave-trade, as the very apple of its eye, and the condition of its participation in the Union. He cannot forget its Constitution, which is republican only in name, confirming power in the hands of the few, and founding the qualifications of its legislators on "a settled freehold estate of five hundred acres of land *and* ten negroes."[2] And yet the Senator to whom this "State" has in part committed the guardianship of its good name, instead of moving with backward-treading steps to cover its nakedness, rushes forward, in the very ecstasy of madness, to expose it, by provoking comparison with Kansas. South Carolina is old; Kansas is young. South Carolina counts by centuries, where Kansas counts by years. But a beneficent example may be born in a day; and I venture to declare, that against the two centuries of the older "State" may be set already the two years of trial, evolving corresponding virtue, in the younger community. In the one is the long wail of Slavery; in the other, the hymn of Freedom. And if we glance

[1] Speech on Memorial of the Legislature of Kansas, April 7, 1856: Congressional Globe, 34th Cong. 1st Sess., p. 826.

[2] Art. I. § 6.

at special achievement, it will be difficult to find anything in the history of South Carolina which presents so much of heroic spirit in an heroic cause as shines in that repulse of the Missouri invaders by the beleaguered town of Lawrence, where even the women gave their effective efforts to Freedom. The matrons of Rome who poured their jewels into the treasury for the public defence, the wives of Prussia who with delicate fingers clothed their defenders against French invasion, the mothers of our own Revolution who sent forth their sons covered over with prayers and blessings to combat for Human Rights, did nothing of self-sacrifice truer than did these women on this occasion. Were the whole history of South Carolina blotted out of existence, from its very beginning down to the day of the last election of the Senator to his present seat on this floor, civilization might lose — I do not say how little, but surely less than it has already gained by the example of Kansas, in that valiant struggle against oppression, and in the development of a new science of emigration. Already in Lawrence alone are newspapers and schools, including a High School, — and throughout this infant Territory there is more of educated talent, in proportion to its inhabitants, than in his vaunted "State." Ah, Sir, I tell the Senator, that Kansas, welcomed as a Free State, "a ministering angel shall be" to the Republic, when South Carolina, in the cloak of darkness which she hugs, "lies howling."[1]

The Senator from Illinois [Mr. DOUGLAS] naturally joins the Senator from South Carolina, and gives to this warfare the superior intensity of his nature. He thinks that the National Government has not com-

[1] The close of the Rebellion witnessed the fulfilment of this prophecy.

pletely proved its power, as it has never hanged a traitor, — but, if occasion requires, he hopes there will be no hesitation; and this threat is directed at Kansas, and even at the friends of Kansas throughout the country. Again occurs a parallel with the struggles of our fathers; and I borrow the language of Patrick Henry, when, to the cry from the Senator of "Treason! treason!" I reply, "If this be treason, make the most of it." Sir, it is easy to call names; but I beg to tell the Senator, that, if the word "traitor" is in any way applicable to those who reject a tyrannical Usurpation, whether in Kansas or elsewhere, then must some new word, of deeper color, be invented to designate those mad spirits who would endanger and degrade the Republic, while they betray all the cherished sentiments of the Fathers and the spirit of the Constitution, that Slavery may have new spread. Let the Senator proceed. Not the first time in history will a scaffold become the pedestal of honor. Out of death comes life, and the "traitor" whom he blindly executes will live immortal in the cause.

> "For Humanity sweeps onward: where to-day the martyr stands,
> On the morrow crouches Judas, with the silver in his hands;
> Far in front the cross stands ready and the crackling fagots burn,
> While the hooting mob of yesterday in silent awe return
> To glean up the scattered ashes into History's golden urn." [1]

Among these hostile Senators is yet another, with all the prejudices of the Senator from South Carolina, but without his generous impulses, who, from his character before the country, and the rancor of his opposition, deserves to be named: I mean the Senator from Virginia [Mr. MASON], who, as author of the Fugitive

[1] Lowell, The Present Crisis.

Slave Bill, has associated himself with a special act of inhumanity and tyranny. Of him I shall say little, for he has said little in this debate, though within that little was compressed the bitterness of a life absorbed in support of Slavery. He holds the commission of Virginia; but he does not represent that early Virginia, so dear to our hearts, which gave to us the pen of Jefferson, by which the equality of men was declared, and the sword of Washington, by which Independence was secured: he represents that other Virginia, from which Washington and Jefferson avert their faces, where human beings are bred as cattle for the shambles, and a dungeon rewards the pious matron who teaches little children to relieve their bondage by reading the Book of Life.[1] It is proper that such a Senator, representing such a State, should rail against Free Kansas.

Such as these are natural enemies of Kansas, and I introduce them with reluctance, simply that the country may understand the character of the hostility to be overcome. Arrayed with them are all who unite, under any pretext or apology, in propagandism of Human Slavery. To such, indeed, time-honored safeguards of popular rights can be a name and nothing more. What are trial by jury, *Habeas Corpus*, ballot-box, right of petition, liberty in Kansas, your liberty, Sir, or mine, to one who lends himself, not merely to the support at home, but to propagandism abroad, of that preposterous wrong which denies even the right of a man to himself? Such a cause can be maintained only by the practical subversion of all rights. It is, therefore, merely according to reason that its partisans should uphold the Usurpation in Kansas.

[1] This was the case of Mrs. Douglas, which at the time caused sensation.

To overthrow this Usurpation is now the special, importunate duty of Congress, admitting of no hesitation or postponement. To this end must it ascend from the cabals of candidates, the machinations of party, and the low level of vulgar strife. Especially must it turn from that Slave Oligarchy now controlling the Republic, and refuse to be its tool. Let its power be stretched forth into this distant Territory, not to bind, but to release, — not for oppression of the weak, but for subversion of the tyrannical, — not for prop and maintenance of revolting Usurpation, but for confirmation of Liberty.

"These are imperial arts, and worthy thee!" [1]

Let it now take stand between the living and dead, and cause this plague to be stayed. All this it can do; and if the interests of Slavery were not hostile, all this it would do at once, in reverent regard for justice, law, and order, driving far away all alarms of war; nor would it dare to brave the shame and punishment of this "Great Refusal." [2] But the Slave Power dares anything; and it can be conquered only by the united masses of the People. From Congress to the People I appeal.

Already Public Opinion gathers unwonted forces to scourge the aggressors. In the press, in daily conversation, wherever two or three are gathered together, there the indignant utterance finds vent. And trade, by unerring indications, attests the growing energy. Public credit in Missouri droops. The six per cents of that State, which at par should be 102, have sunk to 84, — thus at once completing the evidence of Crime, and attesting its punishment. Business is now turning from

[1] Æneid, tr. Dryden, VI. 853 [1177].

[2] "*Il gran rifiuto.*" Dante, Inferno, III. 60.

the Assassins and Thugs that infest the Missouri River, to seek some safer avenue. And this, though not unimportant in itself, is typical of greater change. The political credit of the men who uphold the Usurpation droops even more than the stocks; and the People are turning from all those through whom the Assassins and Thugs derive their disgraceful immunity.

It was said of old, "Cursed be he that removeth his neighbor's Landmark. *And all the people shall say, Amen.*"[1] "Cursed," it is said, "in the city and in the field; cursed in basket and store; cursed when thou comest in, and cursed when thou goest out."[2] These are terrible imprecations; but if ever any Landmark were sacred, it was that by which an immense territory was guarded *forever* against Slavery; and if ever such imprecations could justly descend upon any one, they must descend now upon all who, not content with the removal of this sacred Landmark, have since, with criminal complicity, fostered the incursions of the great Wrong against which it was intended to guard. But I utter no imprecations. These are not my words; nor is it my part to add to or subtract from them. But, thanks be to God! they find response in the hearts of an aroused People, making them turn from every man, whether President or Senator or Representative, engaged in this Crime, — especially from those who, cradled in free institutions, are without the apology of education or social prejudice, — until upon all such those other words of the Prophet shall be fulfilled: "I will set my face against that man, and will make him a sign and a proverb, and I will cut him off from the midst of my peo-

[1] Deuteronomy, xxvii. 17.
[2] Ibid., xxviii. 16–19.

ple."[1] Turning thus from the authors of this Crime, the People will unite once more with the Fathers of the Republic in just condemnation of Slavery, determined especially that it shall find no home in the National territories, while the Slave Power, in which the Crime had its beginning, and by which it is now sustained, will be swept into the charnel-house of defunct Tyrannies.

In this contest Kansas bravely stands forth, the stripling leader, clad in the panoply of American Institutions. Calmly meeting and adopting a frame of government, her people with intuitive promptitude perform the duties of freemen; and when I consider the difficulties by which she is beset, I find dignity in her attitude. *Offering herself for admission into the Union as a* FREE STATE, *she presents a single issue for the people to decide.* And since the Slave Power now stakes on this issue all its ill-gotten supremacy, the People, while vindicating Kansas, will at the same time overthrow this Tyranny. Thus the contest which she begins involves Liberty not only for herself, but for the whole country. God be praised that Kansas does not bend ignobly beneath the yoke! Far away on the prairies, she is now battling for the Liberty of all, against the President, who misrepresents all. Everywhere among those not insensible to Right, the generous struggle meets a generous response. From innumerable throbbing hearts go forth the very words of encouragement which in the sorrowful days of our fathers were sent by Virginia, speaking by the pen of Richard Henry Lee, to Massachusetts, in the person of her popular tribune, Samuel Adams: —

[1] Ezekiel, xiv. 8.

"CHANTILLY, VA., June 23, 1774.

"I hope the good people of Boston will not lose their spirits, under their present heavy oppression, for they will certainly be supported by the other Colonies; and the cause for which they suffer is so glorious, and so deeply interesting to the present and future generations, that all America will owe, in a great measure, their political salvation to the present virtue of Massachusetts Bay."[1]

In all this sympathy there is strength. But in the cause itself there is angelic power. Unseen of men, the great spirits of History combat by the side of the people of Kansas, breathing divine courage. Above all towers the majestic form of Washington, once more, as on the bloody field, bidding them remember those rights of Human Nature for which the War of Independence was waged. Such a cause, thus sustained, is invincible.

The contest, which, beginning in Kansas, reaches us will be transferred soon from Congress to that broader stage, where every citizen is not only spectator, but actor; and to their judgment I confidently turn. To the People, about to exercise the electoral franchise, in choosing a Chief Magistrate of the Republic, I appeal, to vindicate the electoral franchise in Kansas. Let the ballot-box of the Union, with multitudinous might, protect the ballot-box in that Territory. Let the voters everywhere, while rejoicing in their own rights, help guard the equal rights of distant fellow-citizens, that the shrines of popular institutions, now desecrated, may be sanctified anew, — that the ballot-box, now plundered, may be restored, — and that the cry, "I am an American citizen," shall no longer be impotent against

[1] American Archives, 4th Series, Vol. I. col. 446.

outrage. In just regard for free labor, which you would blast by deadly contact with slave labor, — in Christian sympathy with the slave, whom you would task and sell, — in stern condemnation of the Crime consummated on that beautiful soil, — in rescue of fellow-citizens, now subjugated to Tyrannical Usurpation, — in dutiful respect for the early Fathers, whose aspirations are ignobly thwarted, — in the name of the Constitution outraged, of the Laws trampled down, of Justice banished, of Humanity degraded, of Peace destroyed, of Freedom crushed to earth, — and in the name of the Heavenly Father, whose service is perfect Freedom, I make this last appeal.

Mr. Sumner spoke for two days. As soon as he took his seat, the storm which had been preparing broke forth. Mr. Cass was the first to speak. He began by saying that he had "listened with equal regret and surprise" to the speech of Mr. Sumner, which he characterized as "the most un-American and unpatriotic that ever grated on the ears of the members of this high body." Mr. Douglas followed in a tirade of personality, in which he renewed the old assault of two years before, charging Mr. Sumner with defying the Constitution, when he exclaimed with regard to the rendition of a fugitive slave, "Is thy servant a dog, that he should do this thing?"[1] The speech of Mr. Sumner was characterized in the most offensive terms. "He seems to get up a speech as in Yankee-land they get up a bed-quilt." Then again: "Is it his object to provoke some of us to kick him as we would a dog in the street, that he may get sympathy upon the just chastisement?" Then again: "We have had another dish of the classics served up, — classic allusions, each one only distinguished for its lasciviousness and obscenity, — each one drawn from those portions of the classics which all decent professors in respectable colleges cause to be suppressed, as unfit for decent young men to read. Sir, I cannot repeat the words. I should be condemned as unworthy of entering decent society, if I repeated those obscene, vulgar terms which have been used at least a hundred times in that speech." Then, further, he said that "the Sena-

[1] *Ante*, Vol. III. p. 368.

tor from Massachusetts had his speech written, printed, committed to memory, practised every night before the glass, with a negro boy to hold the candle and watch the gestures, and annoying the boarders in the adjoining rooms until they were forced to quit the house." All this was uttered with the sympathy of the slave-masters about him.

Mr. Mason followed with a bitterness which seemed a prolongation of the debate two years before. The tone of his speech appears in these words : —

"The necessities of our political position bring us into relations and associations upon this floor, which, in obedience to a common government, we are forced to admit. They bring us into relations and associations which beyond the walls of this Chamber we are enabled to avoid, — associations here whose presence elsewhere is dishonor, and the touch of whose hand would be a disgrace. . . . .

"I have said that the necessity of political position alone brings me into relations with men upon this floor who elsewhere I cannot acknowledge as possessing manhood in any form. I am constrained to hear here depravity, vice in its most odious form uncoiled in this presence, exhibiting its loathsome deformities in accusation and vilification against the quarter of the country from which I come; and I must listen to it because it is a necessity of my position, under a common government, to recognize as an equal politically one whom to see elsewhere is to shun and despise."

This debate, which was much in harmony with that of June, 1854, showed a state of feeling bordering on violence. The language of Mr. Douglas seemed to invite it, especially when he asked, "Is it his object to provoke some of us to kick him as we would a dog in the street, that he may get sympathy upon the just chastisement?" It came soon.

Mr. Sumner followed in unpremeditated remarks, replying to the only point of argument, and giving expression to the indignant sentiments inspired by the attack. These are preserved here as belonging to the history of this occasion.

MR. PRESIDENT, — Three Senators have spoken: one venerable in years, with whom I have had associations of personal regard longer than with anybody now within the sound of my voice, — the Senator from Michigan [Mr. CASS]; another, the Senator from Illinois [Mr. DOUGLAS]; and a third, the Senator from Virginia [Mr. MASON].

The Senator from Michigan knows well that nothing

I say can have anything but kindness for him. He has declared on this floor to-day that he listened with regret to my speech. I have never avowed on this floor how often, with heart brimming full of friendship for him, I have listened with regret to what has fallen from his lips. I have never said that he stood here to utter sentiments which seemed beyond all question disloyal to the character of the Fathers and to the true spirit of the Constitution; but this, with his permission, and in all kindness, I do now say to him.

The Senator proceeded very briefly and in a cursory manner to criticise my statement of the Michigan case. Sir, my statement was founded on the actual documents. No word was mine: it was all from Jackson, from Grundy, from Buchanan, from Benton, from the Democratic leaders of that day. When the Senator criticised me, his shaft did not touch me, but fell upon them. And here I leave the Senator from Michigan.

To the Senator from Illinois I should willingly yield the privilege of the common scold, — the last word; but I will not yield to him, in any discussion with me, the last argument, or the last semblance of it. He has crowned the outrage of this debate by venturing to rise here and calumniate me. He has said that I came here, took an oath to support the Constitution, and yet determined not to support a particular clause in that Constitution. To that statement I give, to his face, the flattest denial. When it was made previously on this floor by the absent Senator from South Carolina [Mr. BUTLER], I then repelled it: you shall see how explicitly and completely. I read from the debate of the 28th of June, 1854, as published in the "Globe." Here is what I answered to the Senator from South Carolina: —

"This Senator was disturbed, when, to his inquiry, personally, pointedly, and vehemently addressed to me, whether I would join in returning a fellow-man to Slavery, I exclaimed: 'Is thy servant a dog, that he should do this thing?'"

You will observe that the inquiry of the Senator was, whether I would join in returning my fellow-man to slavery? It was not, whether I would support any clause of the Constitution of the United States? — far from that. I then proceeded: —

"In fitful phrase, which seemed to come from unconscious excitement, so common with the Senator, he shot forth various cries about 'dogs,' and, among other things, asked if there was any 'dog' in the Constitution? The Senator did not seem to bear in mind, through the heady currents of that moment, that, by the false interpretation he fastens upon the Constitution," —

and in which the Senator from Illinois now joins, —

"he has helped to nurture there a whole kennel of Carolina bloodhounds, trained, with savage jaw and insatiable scent, for the hunt of flying bondmen. No, Sir, I do not believe that there is any 'kennel of bloodhounds,' or even any 'dog,' in the Constitution."

I said further: —

"Since I have been charged with openly declaring a purpose to violate the Constitution, and to break the oath which I have taken at that desk, I shall be pardoned for showing simply how a few plain words will put all this down."

I next proceeded to cite the memorable veto by President Jackson, in 1832, of the Bank of the United States.

It will be remembered that to his course at that critical time were opposed the authority of the Supreme Court and his oath to support the Constitution, — precisely as the Senator from Illinois now, with ignorance, or with want of logic greater than his ignorance, undertakes to revile me. Here is the triumphant reply of President Jackson: —

"If the opinion of the Supreme Court covered the whole ground of this Act, it ought not to control the coördinate authorities of this Government. The Congress, the Executive, and the Court must, each for itself, be guided by its own opinion of the Constitution. *Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others.* It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the Supreme Judges, when it may be brought before them for judicial decision. . . . . The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive, when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve."

After this passage from General Jackson I proceeded as follows: —

"In swearing to support the Constitution at your desk, Mr. President, I did not swear to support it as *you* understand it, — oh, no, Sir! — or as the Senator from Virginia understands it, — by no means! — or as the Senator from South Carolina understands it, with a kennel of bloodhounds, or at least a 'dog' in it, 'pawing to get free his hinder parts,' in pursuit of a slave. No such thing. Sir, I swore

to support the Constitution *as I understand it*, — nor more, nor less."

Then explaining at some length my understanding of the clause, I concluded on this point in these words: —

"I desire to say, that, as I understand the Constitution, this clause does not impose upon me, as Senator or citizen, any obligation to take part, directly or indirectly, in the surrender of a fugitive slave."

Yet, in the face of all this, which occurred in open debate on the floor of the Senate, which is here in the records of the country, and has been extensively circulated, quoted, discussed, criticised, the Senator from Illinois, in the swiftness of his audacity, presumes to assail me. Perhaps I had better leave that Senator without a word more; but this is not the first, or the second, or the third, or the fourth time that he has launched against me his personalities. Sir, if this be agreeable to him, I make no complaint, — though, for the sake of truth and the amenities of debate, I could wish that he had directed his assaults upon my arguments; but since he has presumed to touch me, he will not complain, if I administer to him a word of advice.

Sir, this is the Senate of the United States, an important body under the Constitution, with great powers. Its members are justly supposed, from years, to be above the intemperance of youth, and from character to be above the gusts of vulgarity. They are supposed to have something of wisdom and something of that candor which is the handmaid of wisdom. Let the Senator bear these things in mind, and remember hereafter that the bowie-knife and bludgeon are not proper emblems

of senatorial debate. Let him remember that the swagger of Bob Acres and the ferocity of the Malay cannot add dignity to this body. The Senator infused into his speech the venom sweltering for months, — ay, for years; and he has alleged matters entirely without foundation, in order to heap upon me some personal obloquy. I will not descend to things which dropped so naturally from his tongue. I only brand them to his face as false. I say also to that Senator, and I wish him to bear it in mind, that no person with the upright form of man can be allowed —— [*Hesitation.*]

Mr. Douglas. Say it.

Mr. Sumner. I will say it, — no person with the upright form of man can be allowed, without violation of all decency, to switch out from his tongue the perpetual stench of offensive personality. Sir, that is not a proper weapon of debate, at least on this floor. The noisome, squat, and nameless animal to which I now refer is not the proper model for an American Senator. Will the Senator from Illinois take notice?

Mr. Douglas. I will, — and therefore will not imitate you, Sir.

Mr. Sumner. I did not hear the Senator.

Mr. Douglas. I said, if that be the case, I would certainly never imitate you in that capacity, — recognizing the force of the illustration.

Mr. Sumner. Mr. President, again the Senator switches his tongue, and again he fills the Senate with its offensive odor. But I drop the Senator.

There was still another, the Senator from Virginia, who is now also in my eye. That Senator said noth-

ing of argument, and therefore there is nothing of that to be answered. I simply say to him that hard words are not argument, frowns are not reasons, nor do scowls belong to the proper arsenal of parliamentary debate. The Senator has not forgotten that on a former occasion I did something to exhibit the plantation manners which he displays. I will not do any more now.

APPENDIX.

On the second day after the Speech an event occurred which aroused the country, and was characterized at the time by an eminent English statesman, Sir George Cornewall Lewis, as "the beginning of civil war." Mr. Sumner was sitting at his desk in the Senate Chamber shortly after the adjournment of the Senate, when he was attacked by the Hon. Preston S. Brooks, a Representative of South Carolina, and by a succession of blows on the head with a bludgeon rendered senseless. As confederates with Mr. Brooks were Hon. Lawrence M. Keitt, a Representative of South Carolina, and Hon. Henry A. Edmundson, a Representative of Virginia, who stood at some distance, evidently to sustain the assault. Mr. Sumner sunk upon the floor of the Senate Chamber. After some time he was carried to an adjoining room, where his wounds were dressed, and he was then taken to his lodgings.

The newspapers of the time attest the profound and wide-spread excitement. The titles of the articles are suggestive. "The Attempt to murder Mr. Sumner," — "Ruffianism National," — "Blood in the Senate," — "Outrageous Assault on Senator Sumner," — "Brutal and Cowardly Assault upon Charles Sumner," — "Ruffianism in Washington," — "A Crisis at Hand," — "The Outrage on Mr. Sumner," — "Atrocious Outrage," — "Disgraceful Assault upon a Senator," — "Another Outrage upon Massachusetts," — "A Border Ruffian in the Senate," — "The Last Argument of Slavery," — "Barbarism at the Capitol," — "Shame! Shame!" Such were the general voices. The article in the *National Intelligencer* at Washington was entitled "Painful Occurrence."

This incident is inseparable from the speech on the Crime against Kansas, although some have supposed that the earlier

speech, of June 28, 1854, in Reply to Assailants,[1] contributed essentially to the feeling which broke forth on this occasion. The documents, resolutions, speeches, and articles which it prompted would occupy volumes. An attempt will be made to present an abstract under the following heads.

I. The Assault.
II. Adoption of the Assault by Eminent Slave-Masters, and by the South generally.
III. Previous Personalities and Aggressions.
IV. Voice of the North.
V. Injuries and continued Disability of Mr. Sumner.

I.

THE ASSAULT.

On Friday, May 23, the day after the assault, Hon. Henry Wilson, colleague of Mr. Sumner, rising in his seat immediately after the reading of the Journal, made the following remarks.

"Mr. President, — The seat of my colleague is vacant to-day. That seat is vacant to-day for the first time during five years of public service. Yesterday, after a touching tribute of respect to the memory of a deceased member of the House of Representatives, the Senate adjourned. My colleague remained in his seat, busily engaged in his public duties. While thus engaged, with pen in hand, and in a position which rendered him utterly incapable of protecting or defending himself, Mr. Preston S. Brooks, a member of the House of Representatives, approached his desk unobserved, and abruptly addressed him. Before he had time to utter a single word in reply, he received a stunning blow upon the head from a cane in the hands of Mr. Brooks, which made him blind and almost unconscious. Endeavoring, however, to protect himself, in rising from his chair his desk was overthrown; and while in that condition, he was beaten upon the head by repeated blows, until he sunk upon the floor of the Senate, exhausted, unconscious, and covered with his own blood. He was taken from this Chamber to the anteroom, his wounds were dressed, and then by friends he was carried to his home and placed upon his

[1] *Ante*, Vol. III. pp. 368–423.

bed. He is unable to be with us to-day to perform the duties that belong to him as a member of this body.

"Sir, to assail a member of the Senate out of this Chamber, 'for words spoken in debate,' is a grave offence, not only against the rights of the Senator, but the constitutional privileges of this House; but, Sir, to come into this Chamber, and assault a member in his seat until he falls exhausted and senseless on this floor, is an offence requiring the prompt and decisive action of the Senate.

"Senators, I have called your attention to this transaction. I submit no motion. I leave it to older Senators, whose character, whose position in this body and before the country, eminently fit them for the task of devising measures to redress the wrongs of a member of this body, and to vindicate the honor and dignity of the Senate."

Mr. Seward followed with a resolution.

"*Resolved*, That a Committee of five members be appointed by the President to inquire into the circumstances attending the assault committed on the person of the Hon. Charles Sumner, a member of the Senate, in the Senate Chamber yesterday; and that the said Committee be instructed to report a statement of the facts, together with their opinion thereon to the Senate."

On motion of Mr. Mason, of Virginia, the resolution was amended, so that the Committee should be elected by the Senate. It was then adopted. Mr. Pearce, of Maryland, Mr. Allen, of Rhode Island, Mr. Dodge, of Wisconsin, Mr. Geyer, of Missouri, and Mr. Cass, of Michigan, were elected. Mr. Seward, who introduced the resolution, and Mr. Wilson, who announced the assault, were excluded.

On the 28th of May Mr. Pearce made a report from the Select Committee, which, after a brief statement of facts, says, that "the Senate, for a breach of its privileges, cannot arrest a member of the House of Representatives, and, *a fortiori*, cannot try and punish him"; that "that authority devolves solely upon the House of which he is a member"; and that "the Senate cannot proceed further than to make complaint to the House of Representatives of the assault committed by one of its members." It was ordered that "a copy of this report, and the affidavits accompanying the same, be transmitted to the House of Representatives."

Nothing further was done in the Senate on this matter.

In the House of Representatives, on the day after the assault, Hon. Lewis D. Campbell, of Ohio, moved a Select Committee of five "to investigate the subject, and to report the facts, with such resolutions in reference thereto as in their judgments may be proper and necessary for the vindication of the character of the House." The resolution was adopted, and the following Committee was appointed by the Speaker: Lewis D. Campbell, of Ohio, John Allison, of Pennsylvania, Howell Cobb, of Georgia, Alfred B. Greenwood, of Arkansas, and Francis E. Spinner, of New York. Alexander C. M. Pennington, of New Jersey, was substituted for Mr. Allison. To this Committee were referred the proceedings of the Senate.

In the testimony taken and reported by the Committee will be found an authentic account of the assault. The Committee visited Mr. Sumner at his house.

"Hon. Charles Sumner, being sworn, testified.

"*Question* (by Mr. Campbell). What do you know of the facts connected with the assault alleged to have been made upon you in the Senate Chamber by Hon. Mr. Brooks, of South Carolina, on Thursday, May 22, 1856?

"*Answer.* I attended the Senate as usual on Thursday, the 22d of May. After some formal business, a message was received from the House of Representatives, announcing the death of a member of that body from Missouri. This was followed by a brief tribute to the deceased from Mr. Geyer, of Missouri, when, according to usage, and out of respect to the deceased, the Senate adjourned.

"Instead of leaving the Chamber with the rest on the adjournment, I continued in my seat, occupied with my pen. While thus intent, in order to be in season for the mail, which was soon to close, I was approached by several persons who desired to speak with me; but I answered them promptly and briefly, excusing myself, for the reason that I was much engaged. When the last of these left me, I drew my arm-chair close to my desk, and, with my legs under the desk, continued writing. My attention at this time was so entirely withdrawn from all other objects, that, though there must have been many persons on the floor of the Senate, I saw nobody.

"While thus intent, with my head bent over my writing, I was addressed by a person who had approached the front of my desk so entirely unobserved that I was not aware of his presence until I heard

my name pronounced. As I looked up, with pen in hand, I saw a tall man, whose countenance was not familiar, standing directly over me, and at the same moment caught these words: 'I have read your speech twice over carefully. It is a libel on South Carolina, and Mr. Butler, who is a relative of mine ——' While these words were still passing from his lips, he commenced a succession of blows with a heavy cane on my bare head, by the first of which I was stunned so as to lose sight. I no longer saw my assailant, nor any person or object in the room. What I did afterwards was done almost unconsciously, acting under the instinct of self-defence. With head already bent down, I rose from my seat, wrenching up my desk, which was screwed to the floor, and then pressed forward, while my assailant continued his blows. I have no other consciousness until I found myself ten feet forward, in front of my desk, lying on the floor of the Senate, with my bleeding head supported on the knee of a gentleman, whom I soon recognized, by voice and countenance, as Mr. Morgan, of New York. Other persons there were about me offering me friendly assistance; but I did not recognize any of them. Others there were at a distance, looking on and offering no assistance, of whom I recognized only Mr. Douglas, of Illinois, Mr. Toombs, of Georgia, and I thought also my assailant, standing between them.

"I was helped from the floor and conducted into the lobby of the Senate, where I was placed upon a sofa. Of those who helped me to this place I have no recollection. As I entered the lobby, I recognized Mr. Slidell, of Louisiana, who retreated; but I recognized no one else until some time later, as I supposed, when I felt a friendly grasp of the hand, which seemed to come from Mr. Campbell, of Ohio. I have a vague impression that Mr. Bright, President of the Senate, spoke to me while I was lying on the floor of the Senate or in the lobby.

"I make this statement in answer to the interrogatory of the Committee, and offer it as presenting completely all my recollections of the assault and of the attending circumstances, whether immediately before or immediately after. I desire to add, that, besides the words which I have given as uttered by my assailant, I have an indistinct recollection of the words, 'old man'; but these are so enveloped in the mist which ensued from the first blow, that I am not sure whether they were uttered or not.

"*Ques.* (by Mr. Greenwood). How long do you suppose it was after the adjournment of the Senate before this occurrence took place?

"*Ans.* I am very much at a loss to say whether it was half an hour or fifteen minutes: I should say ranging from fifteen minutes to

half an hour, more or less; perhaps not more than fifteen minutes. I have already testified that I was so much absorbed with what I was doing at my desk, that I took very little note of anything, not even of time.

"*Ques.* (by Mr. Cobb). Was the first blow you received from Mr. Brooks before he had finished the sentence?

"*Ans.* I have no recollection beyond what I have stated.

"*Ques.* My question was, whether a blow was struck before Mr. Brooks finished the remark to you which you have just quoted?

"*Ans.* The blow came down with the close of the sentence.

"*Ques.* Then the sentence was closed before the blow was struck?

"*Ans.* It seemed to me that the blow came in the middle of an unfinished sentence. In the statement I have made I used the language, 'While these words were still passing from his lips, he commenced a succession of blows.' I heard distinctly the words I have given; I heard the words 'a relative of mine,' and then it seemed to me there was a break, and I have left it as an unfinished sentence, the sequel of which I did not hear on account of the blows.

"*Ques.* (by Mr. Campbell). Did you, at any time between the delivery of your speech referred to and the time when you were attacked, receive any intimation, in writing or otherwise, that Mr. Brooks intended to attack you?

"*Ans.* Never, directly or indirectly; nor had I the most remote suspicion of any attack, nor was I in any way prepared for an attack. I had no arms or means of defence of any kind. I was, in fact, entirely defenceless at the time, except so far as my natural strength went. In other words, I had no arms either about my person or in my desk. Nor did I ever wear arms in my life. I have always lived in a civilized community, where wearing arms has not been considered necessary. When I had finished my speech on Tuesday,[1] I think it was, my colleague came to me and said, 'I am going home with you to-day; several of us are going home with you.' Said I, 'None of that, Wilson.' And instead of waiting for him, or allowing him to accompany me home, I shot off just as I should any other day. While on my way from the Capitol, I overtook Mr. Seward, with whom I had engaged to dine. We walked together as far as the omnibuses. He then proposed that we should take an omnibus, which I declined, stating that I must go to the printing-office to look over proofs. I therefore walked alone, overtaking one or two persons on the way. I have referred to this remark of my colleague in answer to your question, whether I had in any way been put on my guard?

[1] The second day of the delivery.

"*Ques.* (by Mr. Cobb). What do you attribute the remark of your colleague to? In other words, was it founded upon an apprehension growing out of what you had said in your speech?

"*Ans.* I understand that it was. He has told me since that a member of the House had put him on his guard, but he did not mention it to me at the time. I suspected no danger, and therefore I treated what he said to me as trifling.

"*Ques.* (by Mr. Pennington). Have you ever defied or invited violence?

"*Ans.* Never, at any time.

"*Ques.* State what was the condition of your clothing after this violence, when you were taken from the Chamber.

"*Ans.* I was in such a condition at the time that I was unaware of the blood on my clothes. I know little about it until after I reached my room, when I took my clothes off. The shirt, around the neck and collar, was soaked with blood. The waistcoat had many marks of blood upon it; also the trousers. The broadcloth coat was covered with blood on the shoulders so thickly that the blood had soaked through the cloth, even through the padding, and appeared on the inside; there was also a great deal of blood on the back of the coat and its sides.

"*Ques.* Were you aware of the intention of Mr. Brooks to strike or inflict a blow before the blow was felt?

"*Ans.* I had not the remotest suspicion of it until I felt the blow on my head.

"*Ques.* (by Mr. Campbell). Do you know how often you were struck?

"*Ans.* I have not the most remote idea.

"*Ques.* How many wounds have you upon your head?

"*Ans.* I have two principal wounds upon my head, and several bruises on my hands and arms. The doctor will describe them more particularly than I am able to.

"*Ques.* (by Mr. Cobb). You stated, that, when Mr. Brooks approached you, he remarked that he had read your speech, and it was a libel upon his State and upon his relative. I will ask you, if you had, prior to that assault, in any speech, made any personal allusions to Mr. Brooks's relative, Mr. Butler, or to the State of South Carolina, to which Mr. Brooks applied this remark?

"*Ans.* At the time my assailant addressed me I did not know who he was, least of all did I suppose him to be a relative of Mr. Butler. In a speech recently made in the Senate I have alluded to the State of South Carolina, and to Mr. Butler; but I have never said anything

which was not in just response to his speeches, according to parliamentary usage, nor anything which can be called a libel upon South Carolina or Mr. Butler."

Hon. Henry Wilson, the colleague of Mr. Sumner, first heard of the assault as he was passing down the street, and hastened back. As to threats of violence before the assault, he testified: —

"I know of none, of my own knowledge. Mr. Bingham, of the House of Representatives, said to me just about the time the Senate adjourned: 'You had better go down with Mr. Sumner; I think there will be an assault upon him.' Said I, 'Do you think so?' He said, 'I have heard remarks made from which I think an assault will be made.' I afterwards said to Mr. Sumner that I would like to talk with him, and I spoke to Mr. Burlingame and to Mr. Colfax to walk down with us. While I was standing talking to Mr. Burlingame, Mr. Sumner went to Mr. Sutton's[1] desk, and then went out of the side door. I waited, supposing he would come back and go down with us. But he did not come, and we left the Capitol, but waited some time near the porter's lodge, until we heard he had gone home. That is all I know, and it is merely hearsay. I gave myself little trouble about it. I went up to his room afterwards, but did not find him at home. Mr. Sumner paid no attention to what I said. I merely said I wanted to walk down with him, — that I wanted to talk with him."

Hon. John A. Bingham, of Ohio, being sworn, testified.

"*Ques.* Had you any reason to apprehend that an assault would be made on Mr. Sumner after the delivery of that speech?

"*Ans.* I can only say that I had no reason to apprehend danger to Mr. Sumner, except what I inferred from the language of Senators at the time he closed his speech. What they said then led me to believe that an attempt to assail him was intended, or was intended to be encouraged.

"*Ques.* Were the threats of Senators, of which you speak, uttered in debate or outside?

"*Ans.* They were uttered in debate. I do not recollect hearing anything of the kind except what was uttered in debate, coupled with the manner of Senators. These are all the reasons I had for apprehending an assault.

"*Ques.* (by Mr. Cobb). Did you communicate to Mr. Wilson your apprehensions in reference to Mr. Sumner?

[1] The short-hand reporter of the Senate.

"*Ans.* I did, before the Senate adjourned, communicate with Mr. Wilson. I said to Mr. Wilson that it was my opinion an assault was intended upon Mr. Sumner, and that he had better see to it that no assault was made."

James W. Simonton, Esq., reporter of the *New York Times*, being sworn, testified.

"I was standing in the Senate Chamber near Mr. Clayton's seat, conversing with Mr. Morgan and Mr. Murray of the House, when I heard a blow. I exclaimed, 'What is that?' and immediately started. One step brought me in view of the parties. My attention was directed at once to Mr. Sumner, with a view to notice his condition. I saw that he was just in the act of springing forward. As he came upon his feet, I noticed him spin around, and then stagger backwards and sideways until he fell. Mr. Brooks was striking him with his cane, which then seemed to be broken off one third its length. I rushed up as rapidly as possible, with other gentlemen, and, as I reached him, or near him, Mr. Keitt rushed in, running around Mr. Sumner and Mr. Brooks with his cane raised, crying, 'Let them alone! let them alone!' threatening myself and others who had rushed in to interfere. Mr. Brooks continued to strike until he was seized by Mr. Murray, and until Mr. Sumner, who had lodged partly against the desk, had fallen to the floor. He did not fall directly, but, after lodging for an instant upon, then slipped off from his desk, and fell upon the floor. I do not know of anything further.

"*Ques.* How often did Mr. Brooks strike?

"*Ans.* With great rapidity: at least a dozen, and I should think twenty blows. Mr. Sumner, at the first moment when I looked at him, seemed to me to be unconscious.

"*Ques.* (by Mr. Pennington). Do you know of any concert between Mr. Brooks and any other person, a member of Congress, to attack Mr. Sumner?

"*Ans.* I do not know anything of my own knowledge. I noticed several persons who were there. I saw Mr. Keitt there. I have a distinct recollection of seeing several parties, perhaps not distinct enough to mention them. I saw several Senators present immediately afterwards, but whether they were there at the time of the occurrence I could not say. My attention was directed especially to Mr. Sumner, and to Mr. Keitt, who seemed to be acting in concert with Mr. Brooks.

"*Ques.* State, if you can, what Mr. Keitt said or did from first to last.

"*Ans.* I saw him as I was approaching the parties. I noticed him run in from the centre aisle, and raise his cane. He used the words I have spoken; or rather, my impression is that the precise expression was, 'Let them alone, God damn you!'"

This is only a portion of the evidence.

The Committee, after taking evidence, made a report, signed by Mr. Campbell, Mr. Spinner, and Mr. Pennington, which, after setting forth the facts, concludes with the following resolutions.

"*Resolved*, That Preston S. Brooks be, and he is forthwith, expelled from this House as a Representative from the State of South Carolina.

"*Resolved*, That this House hereby declare its disapprobation of the said act of Henry A. Edmundson and Lawrence M. Keitt in regard to the said assault."

A minority report, signed by Mr. Cobb and Mr. Greenwood, concluded with the following resolution.

"*Resolved*, That this House has no jurisdiction over the assault alleged to have been committed by the Hon. Preston S. Brooks, a member of this House from the State of South Carolina, upon the Hon. Charles Sumner, a Senator from the State of Massachusetts, and therefore deem it improper to express any opinion on the subject."

In the House, the substitute moved by Mr. Cobb was lost, — yeas 66, nays 145. The resolution of expulsion was lost, — yeas 121, nays 95, — the two thirds required for expulsion not voting in favor thereof. The other resolution, declaring disapprobation of the act of Henry A. Edmundson and Lawrence M. Keitt, was divided, and the censure of Keitt was voted, — yeas 106, nays 96; that of Edmundson was lost, — yeas 60, nays 136. A long preamble, setting forth the facts, was adopted, — yeas 104, nays 83.[1]

Immediately after the vote upon the resolution of expulsion, Mr. Brooks, with some difficulty, obtained leave to address the House. Mr. Giddings objected, but, at the request of friends, withdrew his objection, contrary to his own judgment. In the course of a speech vindicating his conduct, Mr. Brooks took credit to himself for not beginning a revolution.

"Sir, I cannot, *on my own account*, assume the responsibility, in the face of the American people, of commencing a line of conduct which

[1] House Journal, 34th Cong. 1st Sess., pp. 1199–1221, July 14, 15, 1856.

in my heart of hearts I believe would result in subverting the foundations of this Government and in drenching this Hall in blood. No act of mine, and on my personal account, shall inaugurate revolution; but when you, Mr. Speaker, return to your own home, and hear the people of the great North — and they are a great people — speak of me as a bad man, you will do me the justice to say that a blow struck by me at this time would be followed by revolution, — and this I know. [*Applause and hisses in the gallery.*]"

Afterwards he seemed to take credit for using the instrument he did.

"I went to work very deliberately, as I am charged, — and this is admitted, — and speculated somewhat as to whether I should employ a horsewhip or a cowhide; but, knowing that the Senator was my superior in strength, it occurred to me that he might wrest it from my hand, and then — for I never attempt anything I do not perform — *I might have been compelled to do that which I would have regretted the balance of my natural life.*"

At these words, according to the papers of the day, there was a voice from the House: —

"He would have killed him!"

The speech concluded: —

"And now, Mr. Speaker, I announce to you, and to this House, that I am no longer a member of the Thirty-Fourth Congress."

On which the *Globe* remarks: —

"Mr. Brooks then walked out of the House of Representatives."[1]

In fact, his resignation was already in the hands of the Governor of South Carolina, to take effect on his announcing his resignation to the House. In this way he avoided any other censure, after the failure of the resolution of expulsion.

Returning to South Carolina, Mr. Brooks presented himself again to his constituents, and was triumphantly reëlected. On the 1st of August, 1856, his commission was presented to the House, when, according to the *Globe*, he "came forward and the Speaker administered to him the oath to support the Constitution of the United States."

[1] Congressional Globe, 34th Cong. 1st Sess., Appendix, pp. 831–833, July 14, 1856.

While proceedings were pending in the House, Mr. Brooks was indicted by the Grand Jury of the District of Columbia. The following letters of Mr. Sumner, written at Silver Spring, near Washington, where he was the guest of F. P. Blair, Esq., show his indisposition to take part in the proceedings.

"SILVER SPRING, June 30, 1856.

"DEAR SIR, — I find myself unable to attend Court to-day. Since the summons of the Marshal, I have suffered a relapse, by which I am enfeebled, and also admonished against exertion. Being out of town, I have not had an opportunity of consulting my attending physician; but a skilful medical friend, who has visited me here, earnestly insists that I cannot attend Court for some time without peril to my health.

"I have the honor to be, dear Sir,

"Your faithful servant,

"CHARLES SUMNER.

"P. BARTON KEY, Esq., Attorney of the United States."

"SILVER SPRING, July 1, 1856.

"DEAR SIR, — I have your letter of 30th June, in which you ask my consent with regard to the course you shall take in the conduct of a criminal proceeding now pending in the Circuit Court of the United States for the District of Columbia. I am surprised at this communication. In giving my testimony before the Grand Jury, I stated that I appeared at the summons of the law, and that I wished it distinctly understood that the proceeding was instituted without any suggestion on my part, and that I had nothing to do, directly or indirectly, with its conduct. Nothing has occurred to change my relation to the proceeding. Its whole conduct belongs to the Attorney of the United States.

"I am, dear Sir,

"Your faithful servant,

"CHARLES SUMNER.

"P. BARTON KEY, Esq., Attorney of the United States."

When the trial came on, Mr. Sumner had left for Philadelphia. Mr. Brooks was sentenced to pay a fine of three hundred dollars.

William Y. Leader, of Philadelphia, who testified before the magistrate, drew up the following account of the assault, which is now published for the first time.

"I arrived in Washington City on the morning of the 22d of May, 1856. It was my first visit to Washington. After attending to some

business, I visited the Capitol. It was about twelve o'clock, and both Houses of Congress were in session. I went to the Hall of the House of Representatives first. I remained until the House adjourned, which was in a short time, as no business was transacted further than the passage of some resolutions in relation to, and several addresses on, the death of Hon. John G. Miller, of Missouri. I next went to the gallery of the Senate Chamber. Hon. Mr. Geyer, of Missouri, was delivering a eulogy on the death of Mr. Miller, after which a series of resolutions on the same subject were passed, when the Senate adjourned. I then went into the Senate Chamber, for the purpose of delivering a letter to Hon. J. J. Crittenden, but, finding him engaged talking to the Hon. L. S. Foster, of Connecticut, I walked up and down the Chamber, waiting until he would be disengaged. While doing so, a gentleman mentioned the name of Mr. Sumner. I had never seen Mr. Sumner, but, having read several of his speeches, I was anxious to see him, and, looking in the direction from which the voice came, I observed Dr. Madeira, of Philadelphia, introducing to Mr. Sumner one of the then editors of the Chambersburg, Pennsylvania, *Transcript*. Mr. Sumner then shook the person by the hand and begged him to excuse him, as he was writing on time, that he might get a number of documents, which he was franking, ready for the mail, and told the gentleman he would be pleased to see him at his residence at any time he might call. The gentleman left him, and I walked to the seat of Senator Seward, which was vacant, and which is next but one from Senator Sumner's, in the same row. Senator Sumner was writing at his seat. On his table was a large pile of documents, and he was writing very rapidly, with his head very close to the desk. While he was thus engaged, I observed a gentleman come in the door and walk to the seat of Mr. Sumner. He came up in a quiet, easy manner, and spoke, saying, 'Mr. Sumner.' Mr. Sumner did not rise, but merely turned up his head, as if to see who was speaking to him, when the gentleman continued, saying, 'I have read your speech twice, and have come to the conclusion that it is an insult to my native State, and my gray-haired relative, Judge Butler,'—and before he had finished the sentence, he struck Mr. Sumner a blow on the top of his head, which was uncovered, which must have stunned him. He struck him two or three times after, when Mr. Sumner raised himself in his chair, not, as has been said, to defend himself, but with his head bent down, as if trying to extricate himself from his chair and desk. While in this position he received several more blows, when he fell against his desk, which upset, and he fell to the floor. While lying here, he was struck until the cane broke into pieces. *Mr. Sumner uttered no word*, and no one attempted to inter-

fere, though a number of persons gathered around, crying, 'Don't interfere!' 'Go it, Brooks!' 'Give the damned Abolitionists hell!' &c. Mr. Crittenden was the first man to seize the perpetrator of the outrage, and take him off his victim. Several of his friends led him off, while Mr. Sumner lay on the floor until Mr. Morgan and Mr. Simonton and one or two others came in and took him into an adjoining room. I was the only person who saw the whole of the transaction, and, being so close to Mr. Sumner, I heard and saw all that was said and done. I afterwards had Mr. Brooks arrested for the offence, and on the trial of the case gave my testimony as I have here related it, and which is substantially correct. I had never known Mr. Sumner, and, as we belonged to different political parties, I had no prejudice in his favor. From beginning to end it was one of the most cold-blooded, high-handed outrages ever committed, and had Mr. Sumner not been a very large and powerfully built man, it must have resulted in his death. No ordinary man could possibly have withstood so many blows upon his bare head."

General James Watson Webb, afterwards Minister to Brazil, and at the time editor of the New York *Courier and Enquirer*, made the following report to his paper.

"Those who witnessed the assault say, that, in receiving the blows, given in quick succession and with terrible force, Mr. Sumner attempted to rise from his seat, to which he was in a measure pinioned by his legs being under the desk, — the legs of which, like all the desks of the Senate Chamber, have plates of iron fastened to them, and these plates are firmly secured to the floor. His first attempt to rise was a failure, and he fell back into his chair, and the blows of his assailant continued to fall mercilessly upon his uncovered head. His second attempt ripped up the iron fastenings of his desk, and he precipitated himself forward, but, being blinded and stunned, wide of the direction in which Mr. Brooks stood. Prostrated on the floor, and covered with blood as I never saw man covered before, the assault continued, until Mr. Murray and Mr. Morgan, both members of the House of Representatives from New York, had time to come from the extreme southeast angle of the Senate Chamber, and who, forcing their way through the crowd of Senators, and others, in the midst of whom Mr. Sumner was lying senseless and being beaten, they seized the assailant and rescued the body of Sumner."

On the morning of January 28, 1857, the country was startled by the telegraphic news that Mr. Brooks had died suddenly on the

evening before, in great pain, at his hotel in Washington. The terms of this despatch belong to this note.

"The Hon. Preston S. Brooks died this evening at Brown's Hotel. He had been in bed for a day or two, suffering from the effects of a severe cold. He was telling his friends that he had passed the crisis of his illness, and felt considerably improved in health, when he was seized with violent croup, and died in about ten minutes afterwards. He expired in intense pain. The event, so sudden, has caused much surprise and sympathy throughout the city.

"Dr. Boyle, who was called to dress the wounds of Mr. Sumner, was his physician. Considerable excitement was produced by this visitation of Providence. His personal friends seem smitten, while the mass of those who crowd the hotels come to the general conclusion that the wrath of man is avenged in the justice of God. There are numerous knots of people in each of the hotels, talking about the death of Brooks. He died a horrid death, and suffered intensely. He endeavored to tear his own throat open to get breath."

Later advices revealed that Mr. Keitt, with others, was by his bedside. His death was announced to the House of Representatives, January 29th, when his funeral took place in the House.

Senator Butler died at home, in South Carolina, May 25, 1857. Mr. Keitt, after an active and vindictive part in the Rebellion, died in battle in Virginia, in June, 1864.

II.

ADOPTION OF THE ASSAULT BY EMINENT SLAVE-MASTERS, AND BY THE SOUTH GENERALLY.

More significant even than the assault was the evidence, which soon accumulated, showing its adoption at the South. Had it been disapproved there, it would have stood as the act of an individual. Had it been received even in silence, without formal disapprobation, there would have been at least a question with regard to the sentiment there, and charity would have supplied the most extenuating interpretation. But the spirit of Slavery was too strong, making haste to speak out by its representatives of every degree. It began at once.

On the publication of Mr. Sumner's testimony, there were some explanations in the Senate.[1] Hon. John Slidell, of Louisiana, described himself as in conversation with several gentlemen, in the anteroom of the Senate, when he first heard of the assault.

"We had been there some minutes, — I think we were alone in the antechamber, — when a person (if I recollect aright, it was Mr. Jones, a messenger of the Senate) rushed in, apparently in great trepidation, and said that somebody was beating Mr. Sumner. We heard this remark without any particular emotion ; for my own part, I confess I felt none."

He then describes meeting Mr. Sumner in the doorway of the reception-room, "leaning on two persons whom I did not recognize. His face was covered with blood." He adds: —

"I am not particularly fond of scenes of any sort. I have no associations or relations of any kind with Mr. Sumner ; I have not spoken to him for two years."

Hon. Robert Toombs, of Georgia, said: —

"As for rendering Mr. Sumner any assistance, I did not do it. As to what was said, some gentleman present condemned it in Mr. Brooks. I stated to him, or to some of my own friends, probably, *that I approved it. That is my opinion.*"

Hon. Benjamin F. Wade, of Ohio, followed.

"If the principle now announced here is to prevail, let us come armed for the combat ; and although you are four to one, I am here to meet you. God knows a man can die in no better cause than in vindicating the rights of debate on this floor ; and I have only to ask, that, if the principle is to be approved by the majority, and to become part and parcel of the law of Congress, it may be distinctly understood."

Hon. Henry Wilson followed, saying: —

"Mr. Sumner was stricken down on this floor by a brutal, murderous, and cowardly assault."

At this point he was interrupted by Hon. A. P. Butler, of South Carolina, according to the unamended report of the newspapers, by the exclamation from his seat, —

"You are a liar ! "

[1] Congressional Globe, 34th Cong. 1st Sess., pp. 1304 – 1306, May 27, 1856.

In the *Globe* it is said: —

"Mr. Butler, in his seat, impulsively uttered words which Senators around advised him were not parliamentary, and he subsequently, at the instance of Senators, requested that the words might be withdrawn."

Hon. Lafayette S. Foster, of Connecticut, followed.

"As I understood the honorable Senator from Georgia to remark that he approved of striking forcibly down in this Chamber a member of the Senate, I think it incumbent on me, recently a member of this body, and not having participated in its debates, to say a word."

Mr. Foster then proceeded to vindicate liberty of speech.

Shortly afterwards, in another speech, Senator Butler said of Mr. Sumner: —

"Though his friends have invested him with the dress of Achilles and offered him his armor, he has shown that he is only able to fight with the weapons of Thersites, *and deserved what that brawler received from the hands of the gallant Ulysses.*" [1]

The declaration of Mr. Wilson, that the attack upon Mr. Sumner was "a brutal, murderous, and cowardly assault," incensed the friends of Mr. Brooks, and many threats of personal violence were made. General Lane, of Oregon, afterward Democratic candidate for Vice-President, called upon Mr. Wilson, and placed a challenge from Mr. Brooks in his hands. Mr. Wilson promptly placed in General Lane's hands, contrary to the urgent advice of Mr. Giddings and other friends, who thought his reply might bring on a personal conflict, an answer to his hostile note, in which he said: —

"I characterized, on the floor of the Senate, the assault upon my colleague as 'brutal, murderous, and cowardly.' I thought so then: I think so now: I have no qualification whatever to make in regard to those words. I have never entertained, in the Senate or elsewhere, the idea of personal responsibility, in the sense of the duellist. I have always regarded duelling as the lingering relic of a barbarous civilization, which the law of the country has branded as crime. While,

[1] Congressional Globe, 34th Cong. 1st Sess., Appendix, p. 626, June 12, 1856.

therefore, I religiously believe in the right of self-defence in its broadest sense, the law of my country and the matured convictions of my whole life alike forbid me to meet you for the purpose indicated in your letter."

The Hon. James M. Mason, a Senator from Virginia, already odious as author of the Fugitive Slave Bill, and afterwards so conspicuous in the Rebellion, thus declared his approbation of the assault: —

"SELMA, FREDERICK COUNTY, VA.,
29th September, 1856.

"GENTLEMEN, — I have had the honor to receive your letter of the 13th instant, inviting me, on behalf of the constituents of Colonel Preston S. Brooks, to a dinner to be given to him by them, on the 3d of October next, in 'testimony of their complete indorsement of his Congressional course.'

"It has been my good fortune to have enjoyed the acquaintance of your able and justly honored Representative, on terms both of social and political intercourse, from his entrance into the House of Representatives, and I know of none whose public career I hold more worthy the full and cordial approbation of his constituents than his.

"He has shown himself alike able and prompt to sustain the rights and the interests of his constituents in debate and by vote, or to vindicate in a different mode, and under circumstances of painful duty, the honor of his friend. I would gladly, therefore, unite with you, were it in my power, in the testimonial proposed by his generous constituents, but regret that the distance which separates us, and my engagements at home, must forbid it.

. . . . .

"But, in reverse of all this, should a dominant sectional vote be directed to bring into power those pledged in advance to break down the barriers interposed by the compact of federation for the security of one section against the other, then, in my calmest judgment, but one course remains for the South, — *immediate, absolute, and eternal separation.*

. . . . .

"Again regretting, Gentlemen, that I cannot be with you,

"I am, with great respect,

"J. M. MASON."

The Hon. Jefferson Davis, Secretary of War, and afterwards President of the Rebel States, thus declared his approbation: —

"WASHINGTON, Monday, September 22, 1856.

"GENTLEMEN, — I have the honor to acknowledge your polite and very gratifying invitation to a public dinner, to be given by the people of the Fourth Congressional District to their Representative, Hon. P. S. Brooks.

"It would give me much pleasure, on any occasion, to meet you, fellow-citizens of the Fourth District of South Carolina; and the gratification would be materially heightened by the opportunity to witness their approbation of a Representative *whom I hold in such high regard and esteem.* Circumstances will not permit me, however, to be with you, as invited, and I have only to express to you my sympathy with the feeling which prompts the sons of Carolina to welcome the return of a brother who has been the subject of vilification, misrepresentation, and persecution, *because he resented a libellous assault upon the reputation of their mother.*

"With many thanks to you and those whom you represent for your kind remembrance of me,

"I am very truly your friend and fellow-citizen,

"JEFFERSON DAVIS.

"ARTHUR SIMPKINS, JAMES GILLAM, and others."

Here may properly be introduced the language of Mr. Savage, of Tennessee, in the House of Representatives, in his eulogy of Mr. Brooks.

"To die nobly is life's chief concern. History records but one Thermopylæ: there ought to have been another, and that one for Preston S. Brooks. Brutus stabbed Cæsar in the Capitol, and, whatever we may now think of the wisdom and justice of the deed, the world has ever since approved and applauded it. So shall the scene in the Senate Chamber carry the name of the deceased to all future generations, long to be remembered after all here are forgotten, and until these proud walls crumble into ruins." [1]

These uttered words were modified in the *Globe*.[2]

In these adhesions it will not fail to be observed that Toombs, Slidell, Mason, and Davis, afterwards chiefs in the Rebellion, made themselves conspicuous by their positive and unequivocal language.

[1] New York Independent, February 5, 1857. See also New York Herald, January 31, and February 2, 1857; New York Times, January 30, 1857. The effect of this on the House is described by correspondents at the time.

[2] January 29, 1857, p. 502, 34th Cong. 3d Sess.

Mr. Buchanan, the Democratic candidate for the Presidency, deserves to be added to this list. At the Commencement of Franklin and Marshall College, in Lancaster, Pennsylvania, July 23, 1856, one of the students, W. W. Davis, of Sterling, Illinois, made an address on "The Decline of Political Integrity," where he described modern politicians as "so truckling in their character and destitute of moral courage and political integrity, that men are found who applaud the attack of *Canine* Brooks upon the noble Sumner for defending Freedom." The scene that ensued, and the remarks of Mr. Buchanan, who was present on the stage, were given by a correspondent of the *New York Tribune.*

"During the delivery of this sentence, the whole house was still as death, and at its close it was heartily applauded. Mr. Davis finished his oration and retired from the front of the stage amid thunders of applause and showers of bouquets from his lady friends. For him it was truly a triumph. But on retiring to his seat, next to that of Mr. Buchanan, did he receive congratulation of the Sage of Wheatland? No, no. Mr. Buchanan said to him, loud enough that the whole class could hear: '*My young friend, you look upon the dark side of the picture. Mr. Sumner's speech was the most vulgar tirade of abuse ever delivered in a deliberative body.*' To which the young orator replied, that he 'hoped Mr. Buchanan did not approve of the attacks upon Mr. Sumner by Brooks and others.' To which Mr. Buchanan rejoined, that '*Mr. Brooks was inconsiderate, but that Senator Butler was a very mild man.*' Mr. Davis expressed his regret at the moderation of Mr. Buchanan's views, and dropped the conversation. After the close of the exercises, the friends of Mr. Davis related what I have written. Mr. Davis himself said, he 'did not think for a moment that he was not in conversation with James Buchanan,' but now learns that it was the Representative of the Cincinnati Platform he was addressed by."

With such words of approbation from eminent leaders of the South, it was natural that other organs of opinion there should be stronger in their language. The people by formal acts, and the press by a succession of articles, signalized their adhesion.

The following extract from a letter of a young gentleman, said to be of "high respectability," at Charleston, South Carolina, was communicated for publication.

"I suppose you have heard of the lambasting Mr. Brooks gave Mr. Sumner. Well, the Charlestonians have subscribed ten cents each and bought a splendid cane, with the words '*Hit him again*' engraved on

the head ; and if Mr. Sumner troubles South Carolina or Mr. Brooks again, he will get something *engraved on his head* which will be very apt to make him a *grave* subject."

At a meeting at Martin's Depot, South Carolina, the following resolution was adopted.

"*Resolved*, If Northern fanatics will persist in meddling with our private institutions, we deem it expedient that Southern members should reply to them by the use of *gutta-percha*."

At a meeting in Clinton, South Carolina, the following resolutions were adopted by acclamation.

"*Resolved*, That we, as a portion of the constituents of the Hon. Preston S. Brooks, do heartily agree with him in chastising, coolly and deliberately, the vile and lawless Sumner, of Massachusetts.

"*Resolved*, That, for the high respect and full appreciation of Colonel Brooks's conduct, we present him a cane from the soil of his own Congressional district, with this inscription : '*Use knock-down arguments*' : feeling that none other can be effectual on a perverted mind and degenerate race."

The Columbia *South Carolinian*, of May 28, spoke thus : —

"We learn that some of the gentlemen of Charleston have provided a suitable present, in the shape of a cane, to be given to Mr. Brooks, to show their appreciation of his late act of 'hiding' the Abolition Senator Sumner. It is to bear the inscription, '*Hit him again.*' Meetings of approval and sanction will be held not only in Mr. Brooks's district, but throughout the State at large, and a general and hearty response of approval will reëcho the words '*Well done*,' from Washington to the Rio Grande."

The Richmond Enquirer, of May 30, reports a response from the University of Virginia.

"Another Cane for Mr. Brooks. — We understand that a very large meeting of the students of the University of Virginia was held on Tuesday evening, to take into consideration the recent attack of the Hon. Preston S. Brooks on Charles Sumner, in the United States Senate Chamber. Several very eloquent speeches were delivered, all of which fully approved the course of Mr. Brooks, and the resolution was passed to purchase for Mr. Brooks a splendid cane. The cane is to have a heavy gold head, which will be suitably inscribed, and also bear upon it a device of the human head, badly cracked and broken. The chivalry of the South, it seems, has been thoroughly aroused."

The *Richmond Examiner*, of May 30, testifies thus: —

"The chastisement of Sumner, in spite of the blustering nonsense of the regiments of Yankee Bob Acres, who have been talking about 'avenging his wrongs,' will be attended with good results. The precedent of Brooks *vs.* Sumner will become a respected authority at Washington. It will be a 'leading case,' as it clearly defines the distinction between the liberty of speech as guarantied to the respectable American Senator and that scandalous abuse of it by such men as Charles Sumner.

. . . . . .

"Far from blaming Mr. Brooks, we are disposed to regard him as a conservative gentleman seeking to restore to the Senate that dignity and respectability of which the Abolition Senators are fast stripping it. His example should be followed by every Southern gentleman whose feelings are outraged by unprincipled Abolitionists."

The *Richmond Enquirer* thus spoke, June 9th: —

"It is idle to think of union or peace or truce with Sumner or Sumner's friends. Catiline was purity itself, compared to the Massachusetts Senator, and his friends are no better than he. They are all (we mean the leading and conspicuous ones) avowed and active traitors. . . . . Sumner and Sumner's friends must be punished and silenced. Government which cannot suppress such crimes as theirs has failed of its purpose. Either such wretches must be hung or put in the penitentiary, or the South should prepare at once to quit the Union. We would not jeopard the religion and morality of the South to save a Union that had failed for every useful purpose. Let us tell the North at once, If you cannot suppress the treasonable action, and silence the foul, licentious, and infidel propagandism of such men as Stephen Pearl Andrews, Wendell Phillips, Beecher, Garrison, Sumner, and their negro and female associates, let us part in peace.

. . . . . .

"Your sympathy for Sumner has shaken our confidence in your capacity for self-government more than all your past history, full of evil portents as that has been. He had just avowed his complicity in designs far more diabolical than those of Catiline or Cethegus, — nay, transcending in iniquity all that the genius of a Milton has attributed to his fallen angels. We are not surprised that he should be hailed as hero and saint, for his proposed war on everything sacred and divine, by that Pandemonium where the blasphemous Garrison, and Parker, and Andrews, with their runaway negroes and masculine women, congregate."

The *Richmond Enquirer* again spoke, June 12th:

"In the main, the press of the South applaud the conduct of Mr. Brooks, without condition or limitation. Our approbation, at least, is entire and unreserved. We consider the act good in conception, better in execution, and best of all in consequence. The vulgar Abolitionists in the Senate are getting above themselves. They have been humored until they forget their position. They have grown saucy, and dare to be impudent to gentlemen! Now, they are a low, mean, scurvy set, with some little book-learning, but as utterly devoid of spirit or honor as a pack of curs. Intrenched behind 'privilege,' they fancy they can slander the South and insult its representatives with impunity. The truth is, they have been suffered to run too long without collars. They must be lashed into submission. Sumner, in particular, ought to have nine-and-thirty early every morning. He is a great strapping fellow, and could stand the cowhide beautifully. Brooks frightened him, and at the first blow of the cane he bellowed like a bull-calf. There is the blackguard Wilson, an ignorant Natick cobbler, swaggering in excess of muscle, and absolutely dying for a beating. Will not somebody take him in hand? Hale is another huge, red-faced, sweating scoundrel, whom some gentleman should kick and cuff until he abates something of his impudent talk. These men are perpetually abusing the people and representatives of the South, for tyrants, robbers, ruffians, adulterers, and what not. Shall we stand it?

. . . . . .

"Mr. Brooks has initiated this salutary discipline, and he deserves applause for the bold, judicious manner in which he chastised the scamp Sumner. It was a proper act, done at the proper time, and in the proper place."

In a Democratic procession at Washington, one of the party banners had this inscription: —

"SUMNER AND KANSAS: LET THEM BLEED."

Texts like these might be multiplied; but here are more than enough to exhibit the brutal spirit of Slavery, and the extent of its sympathy with the assault. This head may be properly closed by the words of the *Charleston Standard* on the death of Mr. Brooks.

"Within the last year his name has transcended the limits of tongues and nations. What will be the verdict of posterity upon him will de-

pend upon the question of power between the North and South. If the North shall triumph, if the South shall be gradually ground under, if Slavery shall be smuggled out of sight, and decent people shall be ashamed to own it, he will be condemned and execrated; but if the South shall stand firm in her integrity, if Slavery shall not fall before its antagonist, but shall stand, as it is capable of standing, *the great central institution of the land for all other interests to climb upon*, and shall give law to opinion, as it shall give regulation to Liberty, then his memory will be loved and venerated; *he will be recognized as one of the first who struck for the vindication of the South;* and as, like those who seized the tea in Boston Harbor, he had no other warrant of authority than that afforded *by his own brave heart*, he will only the more certainly be placed among the heroes and patriots of his country."

Here is a plain and most interesting recognition of the assault as belonging to the glories of Slavery, while the author is one of its heroes.

III.

PREVIOUS PERSONALITIES AND AGGRESSIONS.

There is a proper interest in knowing the personal provocation under which Mr. Sumner spoke. Something of this will be seen in the early onslaught upon him by the combined forces of Slavery, to which he replied promptly.[1] The *Globe* shows constantly the tone which was adopted by the representatives of Slavery towards all who presumed in any way to question its rights. Here Mr. Butler, of South Carolina, was always prominent; and when the question of the admission of Kansas as a Free State occurred, he was especially aroused.

His previous personalities and aggressions were set forth by Hon. Henry Wilson, in a speech made in the Senate, June 13, 1856, in direct reply to him, after he had spent two days in criticising Mr. Sumner and defending his assailant. On this occasion Senator Butler was particularly indignant because Mr. Sumner had personified Slavery as a "harlot," saying, "What in the name

[1] *Ante*, Vol. III. pp. 368–423.

of justice and decency could have ever led that man to use such language?"[1] In the course of his speech the Senator described his former patronage of Mr. Sumner, saying, "I did not hesitate to keep up what my friends complained of, an intercourse with him, *which was calculated to give him a currency far beyond what he might have had, if I had not indulged in that species of intercourse.* My friends here and everywhere know it."[2] Mr. Wilson's reply is important in this history.

SPEECH OF HON. HENRY WILSON.

"Mr. President, — I feel constrained, by a sense of duty to my State, by personal relations to my colleague and friend, to trespass for a few moments upon the time and attention of the Senate.

"You have listened, Mr. President, the Senate has listened, these thronged seats and these crowded galleries have listened, to the extraordinary speech of the honorable Senator from South Carolina, which has now run through two days. I must say, Sir, that I have listened to that speech with painful and sad emotions. A Senator of a sovereign State more than twenty days ago was stricken down senseless on the floor for words spoken in debate. For more than three weeks he has been confined to his room upon a bed of weakness and of pain. The moral sentiment of the country has been outraged, grossly outraged, by this wanton assault, in the person of a Senator, on the freedom of debate. The intelligence of this transaction has flown over the land, and is now flying abroad over the civilized world; and wherever Christianity has a foothold, or civilization a resting-place, that act will meet the stern condemnation of mankind.

"Intelligence comes to us, Mr. President, that a civil war is raging beyond the Mississippi; intelligence also comes to us that upon the shores of the Pacific Lynch Law is again organized; and the telegraph brings us news of assaults and murders around the ballot-boxes of New Orleans, growing out of differences of opinion and of interests. Can we be surprised, Sir, that these scenes, which are disgracing the character of our country and our age, are rife, when a venerable Senator — one of the oldest members of the Senate, and chairman of its Judiciary Committee — occupies four hours of the important time of the Senate in vindication of and apology for an assault unparalleled in the his-

[1] Congressional Globe, 34th Cong. 1st Sess., Appendix, p. 629, June 12, 1856.

[2] Ibid., p. 626.

tory of the country? If lawless violence here, in this Chamber, upon the person of a Senator, can find vindication, if this outrage upon the freedom of debate finds apology from a veteran Senator, why may not violent counsels elsewhere go unrebuked?

"The Senator from South Carolina commenced his discursive speech by an allusion to the present condition of my colleague which I cannot say exhibited good taste. I know it, personally, to be grossly unjust, because I know that for more than twenty days — three weeks — Mr. Sumner has been compelled to lie upon a bed of pain, from the effects of blows received by him here in the Senate Chamber.

"The Senator from South Carolina, I am aware, referred to the evidence of a medical person, who was accidentally employed in the early stages of the case, but who has not seen Mr. Sumner lately. I have in my hands the testimony of his present medical adviser, a distinguished physician of this city, who has been selected for his known talents and character, and who *understands* his present condition. The Secretary will please to read his letter, which I now send to the desk."

The Secretary read as follows.

"C Street, June 12, 1856.

"Dear Sir, — In answer to your inquiries, I have to state that I have been in attendance on the Hon. Charles Sumner, as his physician, on account of the injuries received by him in the Senate Chamber, from the 29th of May to the present time, — part of this time in consultation with Dr. Perry, of Boston, and Dr. Miller, of Washington.

"I have visited him at least once every day. During all this time Mr. Sumner has been confined to his room, and the greater part of the day confined to his bed.

"Neither at the present moment, *nor at any time since Mr. Sumner's case came under my charge*, has he been in a condition to resume his duties in the Senate.

"My present advice to him is to go into the country, where he can enjoy fresh air; and I think it will not be prudent for him to enter upon his public duties for some time to come.

"Very respectfully, your obedient servant,

"H. Lindsly."

"Hon. Henry Wilson."

Mr. Wilson. "Mr. President, this is the testimony of Dr. Lindsly, known by the members of the Senate, and others around me, to be an eminent physician of Washington. I will say, that Mr. Sumner, and Mr. Sumner's friends, when he was first assailed, underestimated altogether the force of the assault. He is a man of great physical power, in full vigor and maturity, and in the glow of health. For a day or

two after that assault he believed, and his friends believed, that he would soon throw off its effects; but time disclosed the extent and force of his injuries, while he was doomed to hours of restless, sleepless pain. Dr. Perry, of Boston, a gentleman of great professional eminence, accidentally in Washington, expressed the strongest solicitude concerning his case. To his skill and advice I believe my colleague and his friends are under the deepest obligations. His testimony before the Committee is the testimony of one who knows what he affirms. — But I pass from this topic.

"The Senator from South Carolina, through this debate, has taken occasion to apply to Mr. Sumner, to his speech, to all that concerns him, all the epithets ——

[Mr. Butler. I used criticism, but not epithets.]

Mr. Wilson. "Well, Sir, I accept the Senator's word, and I say 'criticism.' But I say, in his criticism, he used every word that I can conceive a fertile imagination could invent, or a malignant passion suggest. He has taken his full revenge here on the floor of the Senate, here in debate, for the remarks made by my colleague. I do not take any exception to this mode. This is the way in which the speech of my colleague should have been met, — not by blows, not by an assault.

"The Senator tells us that this is not, in his opinion, an assault upon the constitutional rights of a member of the Senate. He tells us that a member cannot be permitted to print and send abroad over the world, with impunity, his opinions, — but that he is liable to have them questioned in a judicial tribunal. Well, Sir, if this be so, — he is a lawyer, I am not, — I accept his view, and I ask, Why not have tested Mr. Sumner's speech in a judicial tribunal, and let that tribunal have settled the question whether Mr. Sumner uttered a libel or not? Why was it necessary, why did the 'chivalry' of South Carolina require, that for words uttered on this floor, under the solemn guaranties of Constitutional Law, a Senator should be met here by violence? Why appeal from the floor of the Senate, from a judicial tribunal, to the bludgeon? I put the question to the Senator, — to the 'chivalry' of South Carolina, — ay, to 'the gallant set' (to use the Senator's own words) of 'Ninety-Six,' — Why was it necessary to substitute the bludgeon for the judicial tribunal?

"Sir, the Senator from South Carolina — and in what I say to him to-day I have no disposition to say anything unkind or unjust, and if I utter any such word, I will withdraw it at once — told us, that, when my colleague came here, he came holding fanatical ideas, but that he

met him, offered him his hand, and treated him with courtesy, supposing, as in other cases which had happened under his eye, that acquaintance with Southern gentlemen might cure him of his fanaticism. He gravely told us that his courtesy and attentions introduced Mr. Sumner where he could not otherwise have gone. The Senator will allow me to say that this is not the first time during this session we have heard this kind of talk about 'social influence,' and the necessity of association with gentlemen from the South, in order to have intercourse with the refined and cultivated society of Washington. Sir, Mr. Sumner was reared in a section of country where men know how to be gentlemen. He was trained in the society of gentlemen, in as good society as could be found in *that* section of the country. He went abroad. In England and on the Continent he was received everywhere, as he had a right to be received, into the best social circles, into literary associations, and into that refined and polished society which adorns and graces the present age in Western Europe. I do not know where any gentleman could desire to go that Mr. Sumner could not go, without the assistance of the Senator from South Carolina, or any other person on this floor. Sir, we have heard quite enough of this. It is a piny-wood doctrine, a plantation idea. Gentlemen reared in refined and cultivated society are not accustomed to this language, and never indulge in its use towards others.

"The Senator from South Carolina commenced his speech by proclaiming what he intended to do, and he closed it by asserting what he had done. Well, Sir, I listened to his speech with some degree of attention, and I must say that the accomplishment did not come quite up to what was promised, and that without his assurance the Senate and the country would never have supposed that his achievements amounted to what he assured us they did in this debate.

"The Senator complained of Mr. Sumner for quoting the Constitution of South Carolina; and he asserted over and over again, and he winds up his speech by the declaration, that the quotation made is not in the Constitution. After making that declaration, he read the Constitution, and read the identical quotation. Mr. Sumner asserted what is in the Constitution; but there is an addition to it which he did not quote. The Senator might have complained because he did not quote it; but the portion not quoted carries out only the letter and the spirit of the portion quoted. To be a member of the House of Representatives of South Carolina, it is necessary to own a certain number of acres of land and ten slaves, or seven hundred and fifty dollars of real estate, free of debt. The Senator declared with great emphasis — and I saw nods, Democratic nods, all around the Senate — that 'a man

who was not worth that amount of money was not fit to be a Representative.' That may be good Democratic doctrine, — it comes from a Democratic Senator of the Democratic State of South Carolina, and received Democratic nods and Democratic smiles, — but it is not in harmony with the Democratic ideas of the American people.

"The charge made by Mr. Sumner was, that South Carolina was nominally republican, but in reality had aristocratic features in her Constitution. Well, Sir, is not this charge true? To be a member of the House of Representatives of South Carolina, the candidate must own ten men, — yes, Sir, ten men, — five hundred acres of land, or have seven hundred and fifty dollars of real estate, free of debt; and to be a member of the Senate double is required. This Legislature, having these personal qualifications, placing them in the rank of a privileged few, are elected upon a representative basis as unequal as the rotten-borough system of England in its most rotten days. That is not all. This Legislature elects the Governor of South Carolina and the Presidential Electors. The people have the privilege of voting for men with these qualifications, upon this basis, and they select their Governor for them, and choose the Presidential Electors for them. The privileged few govern; the many have the privilege of being governed by them.

"Sir, I have no disposition to assail South Carolina. God knows that I would peril my life in defence of any State of this Union, if assailed by a foreign foe. I have voted, and I will continue to vote, while I have a seat on this floor, as cheerfully for appropriations, or for anything that can benefit South Carolina, or any other State of this Union, as for my own Commonwealth of Massachusetts. South Carolina is a part of my country. Slaveholders are not the tenth part of her population. There is somebody else there besides slaveholders. I am opposed to its system of Slavery, to its aristocratic inequalities, and I shall continue to be opposed to them; but it is a sovereign State of this Union, a part of my country, and I have no disposition to do injustice to it.

"The Senator assails Mr. Sumner for referring to the effects of Slavery upon South Carolina in the Revolutionary era. What Mr. Sumner said in regard to the imbecility of South Carolina, produced by Slavery, in the Revolution, is true, and more than true, — yes, Sir, true, and more than true. I can demonstrate its truth by the words and correspondence of General Greene, by the words and correspondence of Governor Matthews, General Barnwell, General Marion, Judge Johnson, Dr. Ramsay, the historian, Mr. Gadsden, Mr. Burk, Mr. Huger, and her Representatives, who came to Congress and asked the nation to relieve her from her portion of the common burdens, because it was

necessary for her men to stay at home to keep her negro slaves in subjection. These sons of South Carolina have given to the world the indisputable evidence that Slavery impaired the power of that State in the War of Independence.

"The Senator told us that South Carolina, which furnished one fifteenth as many men as Massachusetts in the Revolution, 'shed hogsheads of blood where Massachusetts shed gallons.' That is one of the extravagances of the Senator, — one of his loose expressions, absurd and ridiculous to others, — one of that class of expressions which justify Mr. Sumner in saying that 'he cannot ope his mouth, but out there flies a blunder.' This is one of those characteristics of the Senator which naturally arrested the attention of a speaker like Mr. Sumner, accustomed to think accurately, to speak accurately, to write accurately, and to be accurate in all his statements. I say that such expressions as those in which the Senator from South Carolina has indulged in reference to this matter are of the class in which he too often indulges, and which brought from my colleague that remark at which he takes so much offence. — But enough of this.

"Sir, the Senator from South Carolina has undertaken to assure the Senate and the country to-day that he is not the aggressor. Here and now I tell him that Mr. Sumner was not the aggressor, — that the Senator from South Carolina was the aggressor. I will prove this declaration to be true beyond all question. Mr. Sumner is not a man who desires to be aggressive towards any one. He came into the Senate 'a representative man.' His opinions were known to the country. He came here knowing that there were but few in this body who could sympathize with him. He was reserved and cautious. For eight months here he made no speeches upon any question that could excite the animadversion even of the sensitive Senator from South Carolina. He made a brief speech in favor of the system of granting lands for constructing railways in the new States, which the people of those States justly applauded; and I will undertake to say that he stated the whole question briefly, fully, and powerfully. He also made a brief speech welcoming Kossuth to the United States. But, beyond the presentation of a petition, he took no steps to press his earnest convictions upon the Senate; nor did he say anything which could by possibility disturb the most excitable Senator.

"On the 28th day of July, 1852, after being in this body eight months, Mr. Sumner introduced a proposition to repeal the Fugitive Slave Act. Mr. Sumner and his constituents believed that act to be not only a violation of the Constitution of the United States, and a violation of all the safeguards of the Common Law which have been gar-

nered up for centuries to protect the rights of the people, but at war with Christianity, humanity, and human nature, — an enactment that is bringing upon this Republic the indignant scorn of the Christian and civilized world. With these convictions, he proposed to repeal that act, as he had a right to propose. He had made no speech. He rose and asked the Senate to give him the privilege of making a speech. 'Strike, but hear,' said he, using a quotation. I do not know that he gave the authority for it. Perhaps the Senator from South Carolina will criticise it as a plagiarism, as he has criticised another application of a classical passage. Mr. Sumner asked the privilege of addressing the Senate. The Senator from South Carolina, who now tells us that he had been his friend, an old and veteran Senator here, instead of feeling that Mr. Sumner was a member standing almost alone, with only the Senator from New York [Mr. SEWARD], the Senator from New Hampshire [Mr. HALE], and Governor Chase, of Ohio, in sympathy with him, objected to his being heard. He asked Mr. Sumner, tauntingly, if he wished to make an 'oratorical display'? and talked about 'playing the orator' and 'the part of a parliamentary rhetorician.' These words, in their scope and in their character, were calculated to wound the sensibilities of a new member, and perhaps bring upon him what is often brought on a member who maintains here the great doctrines of Liberty and Christianity, — the sneer and the laugh under which men sometimes shrink.

"Thus was Mr. Sumner, *before he had ever uttered a word on the subject of Slavery here*, arraigned by the Senator from South Carolina, not for what he ever had said, but for what he intended to say; and the Senator announced that he must oppose his speaking, because he would attack South Carolina. Mr. Sumner quietly said that he had no such purpose; but the Senator did not wish to allow him to 'make the Senate the vehicle of communication for his speech throughout the United States, to wash deeper and deeper the channel through which flow the angry waters of agitation.'

"Now I charge here on the floor of the Senate, and before the country, that the Senator from South Carolina was the aggressor, — that he arraigned, in language which no man can defend, my colleague, before he ever uttered a word on this subject on the floor of the Senate, and in the face of his express disclaimer that he had no purpose of alluding to South Carolina. This was the beginning; other instances follow.

"Mr. Sumner made, in February, 1854, a speech on the Kansas-Nebraska Bill; and I want to call the attention of the Senate to the manner in which he opened that speech. No man will pretend, that, up to that day, he had ever uttered a word here to which any, the most

captious, could take objection. He commenced this magnificent speech, which any man within sound of my voice would have been proud to have uttered, by saying : —

"'I would not forget those amenities which belong to this place, and are so well calculated to temper the antagonism of debate ; nor can I cease to remember, and to feel, that, amidst all diversities of opinion, we are the representatives of thirty-one sister republics, knit together by indissoluble ties, and constituting that Plural Unit which we all embrace by the endearing name of country.'

"Thus, on that occasion, by those words of kindness, did he commence his speech ; and he continued it to the end in that spirit. The effort then made might be open to opposition by argument ; but there is no word there to wound the sensibilities of any Senator, or to justify any personal bitterness. And yet this speech, so cautious and guarded, and absolutely without any allusion to the Senator from South Carolina or his State, brought down upon him the denunciations and assaults of the Senator, who now complains that his own example has been in some measure followed. I intend to hold that Senator to-day to the record. Yes, Sir, I have his words, and I intend to hold him responsible for them. I am accustomed to deal with facts, as that Senator will discover before I close.

"A few days after this speech was delivered, the Senator from South Carolina addressed the Senate, — then, as now, in a long speech, running through two days. You will find his speech in the *Congressional Globe*, Appendix, Vol. XXIX. pp. 232 – 240. Sir, you must read that speech, read it all through, look at it carefully, consider its words and its phrases, to understand the tone he evinced towards Mr. Sumner, and towards Massachusetts, and the Northern men who stood with him. I need not say that there were bitter words, taunting words, in the speech. I was not here to listen to it ; but we all know — and I say it without meaning to give offence — that the Senator from South Carolina is often more offensive in the manner which he exhibits, and he throws more of contempt and more of ridicule in that manner than he can put in his words, — and he is not entirely destitute of the ability of using words in that connection.

"On page 232 we have the insinuation that Mr. Sumner is a 'plunging agitator,' — that is the phrase, 'plunging agitator.' That is a plunging expression. I think it is one of those loose expressions that brought down on the Senator the censure of my colleague the other day. Then we have another insinuation, — that he is a 'rhetorical advocate' ; and then these words : 'He has not, in my judgment,

spoken with the wisdom, the judgment, and the responsibilities of a statesman.' Now, Sir, I doubt the propriety of applying to members of this body such phrases as these, 'plunging agitator,' 'rhetorical advocate,' and then to say he has not shown 'the wisdom, the judgment, and the responsibilities of a statesman.'

"On page 234 he says of Mr. Sumner: 'It seems to me, that, if he wished to write poetry, he would get a negro to sit for him.' That is his expression, and the report says it was followed by 'laughter,' — whether laughter at Mr. Sumner, or at the refined wit of the Senator from South Carolina, I cannot say, not having been present.

"On page 236 he again alludes to a remark by Mr. Sumner, saying (to quote his own words), 'which I think even *common prudence or common delicacy* would have suggested to him that he ought not to have made.'

"On the same page, again alluding to Mr. Sumner, he says: 'Our Revolutionary fathers thought nothing of these *sickly distinctions* which gentlemen use now to make the South odious.'

"Again, on the same page, alluding to other remarks of Mr. Sumner, he says: 'They may furnish materials for what I understand is a very popular novel, — *Uncle Tom's Cabin*. I have no doubt they may do this; but I put it to the gentleman, *are his remarks true?*' 'Are his remarks true?' was the question, full of insolence and of accusation, put to Mr. Sumner in the face of the Senate.

And again he says: 'They dealt some hard licks, *but they are not true as historical facts.*'

"So you will perceive Mr. Sumner was not the first man to raise this question of truth and veracity on the floor of the Senate.

"On the same page the Senator from South Carolina made a misstatement of a fact, which was promptly corrected by Mr. Sumner, and by General Shields, then a member of the Senate.

"On page 237 there are insinuations made of 'pseudo-philanthropy,' and also insinuations of '*mere* eloquence, — professions of philanthropy, — a philanthropy of adoption more than affection.' Yes, Sir, according to the Senator from South Carolina, the Senator from Massachusetts, and those who think with him, have 'adopted' their philanthropy; it is not the 'philanthropy of affection, but of adoption,' — 'a philanthropy that professes much and does nothing, with a long advertisement and short performance.' These are expressive words, and the Senator from South Carolina should remember that these words, uttered with the peculiar forms which he affects, are anything but calculated to be complimentary to my colleague or any other Senator.

"On the same page, allusions, which, from the context, are in the

nature of insinuations, are made against Mr. Sumner and his associates, as to 'those who stand aloof and hold up an ideal standard of morality, emblazoned by imagination and sustained in ignorance, or *perhaps more often planted by criminal ambition and heartless hypocrisy.*' 'Criminal ambition and heartless hypocrisy' are the terms used by the Senator from South Carolina, in application to Senators on this floor, and to a large portion of the country, which concurs with them!

"On page 239 he tauntingly speaks of a 'machine,' in reference to the people who hold Mr. Sumner's opinions, 'oiled by Northern fanaticism.' I do not know what kind of a machine that is, — a machine 'oiled by Northern fanaticism.' The Senator who uses these phrases towards members of this body, and towards a section of the Union, is a Senator who tries to make us believe that he is a man who comprehends the whole country and all its interests, and who has nothing in him of the spirit of a sectional agitator! He takes great offence because my colleague holds him up as one of the chieftains of sectional agitation. I think my colleague is right, — that the Senator from South Carolina *is* one of the chieftains of a *sectionalism* at war with the fundamental ideas that underlie our democratic institutions, and at war with the repose and harmony of the country.

"On page 234 he again talks about 'sickly sentimentality,' and he charges that this 'sickly sentimentality' now governs the councils of the Commonwealth of Massachusetts. Yes, Sir, the Senator from South Carolina makes five distinct assaults upon Massachusetts. Massachusetts councils governed by sickly sentimentality! Sir, Massachusetts stands to-day where she stood when the little squad assembled, on the 19th of April, 1775, to fire the first gun of the Revolution. The sentiments that brought those humble men to the little green at Lexington, and to the bridge at Concord, which carried them up the slope of Bunker Hill, and which drove forth the British troops from Boston, never again to press the soil of Massachusetts, — that sentiment still governs the councils of Massachusetts, and rules in the hearts of her people. The feeling which governed the men of that glorious epoch of our history is the feeling of the men of Massachusetts of to-day.

"Those sentiments of liberty and patriotism have penetrated the hearts of the whole population of that Commonwealth. Sir, in that State, every man, no matter what blood runs in his veins, or what may be the color of his skin, stands up before the law the peer of the proudest that treads her soil. This is the sentiment of the people of Massachusetts. In equality before the law they find their strength. They

know this to be right, if Christianity is true, — and they will maintain it in the future, as they have in the past; and the civilized world, the coming generations, those who are hereafter to give law to the universe, will pronounce that in this contest Massachusetts is right, inflexibly right, and South Carolina, and the Senator from South Carolina, wrong. The latter are maintaining the odious relics of a barbarous age and civilization, — not the civilization of the New Testament, — not the civilization that is now blessing and adorning the best portions of the world.

"On page 234 he says: 'At the time of the passage of the law in Massachusetts abolishing Slavery, pretty near all the grown negroes disappeared somewhere; and, as the historian expresses it, the little negroes were left there, without father or mother, and with hardly a God, — were sent about as puppies, to be taken by those who would feed them.'

"Now, Sir, the Constitution of Massachusetts was framed and went into operation in 1780. The Supreme Court decided, that, by the provisions of that Constitution, slaves could not be held as bondmen in the Commonwealth. Slavery was abolished by judicial decision, — abolished at once, without limitation, without time to send men out of the State. It may be that some mean Yankee in Massachusetts — and God never made a meaner man than a mean Yankee [*laughter*] — may have hurried his slave out of that Commonwealth, and sold him into bondage. But Massachusetts, by one stroke of the pen of the Supreme Court, abolished Slavery forever in that State, and the slaves became freemen. They and their descendants are there to-day, as intelligent as the average people of the United States, many of them being men that grace and adorn the State, which, by just and equal laws, protects them in the enjoyment of all their rights, — men whom I am proud here to call my constituents, and some of whom I recognize as my friends.

"On page 236 he introduced statistics into his speech, in regard to pauperism, insanity, and drunkenness, in disparagement of Massachusetts. This introduction called up Mr. Everett to respond for his State; and if gentlemen are anxious to know what he said, they have but to turn to the debates of that day, and read the words of a man always to be comprehended, whatever his opinions may be.

"On page 240 it will be found that the Senator from South Carolina asserts that Massachusetts has been an 'anti-nigger State.' This is the classic phrase of the Senator from South Carolina. He said that Massachusetts was an 'anti-nigger State,' and that, 'when she had to deal with these classes of persons practically, her philanthropy

became very much attenuated.' Attenuated philanthropy! These are the words of the Senator who never makes assaults, who is never the aggressor! They were in reply to a speech which made no personal assault upon the Senator or upon his State. These remarks were made in regard to the Commonwealth of Massachusetts.

"And again, still anxious to make his lunge at Massachusetts, on page 240 he repeats the accusation that Massachusetts 'treated her little slaves as puppies.'

"To all these *personal* allusions of the Senator Mr. Sumner made no reply. He did reply for his State, and replied fully, as the occasion required, and in a manner contrasting by its moderation and its decency with that of the Senator from South Carolina. I have references to other passages in that speech by the Senator from South Carolina, but I shall not weary the Senate by quoting them. They are of the same nature and character. In this same speech, however, not content with assailing Mr. Sumner, he went on to attack the honorable Senator from New York [Mr. SEWARD], and he compared him to 'the condor, that soars in the frozen regions of ethereal purity, yet lives on garbage and putrefaction.' This is the language of an honorable Senator, who prides himself upon his elegant diction, and whose friends plume themselves upon the exceeding care with which he turns his phrases in debate.

"For some time I have been giving elegant extracts from a single speech of the Senator from South Carolina. I come here to another. On the 14th of March, 1854, he assailed the three thousand clergymen of New England who had sent their remonstrance here against the passage of the Nebraska Bill. He declared 'they deserved the grave censure of the Senate.' Sir, I have great respect for the Senate of the United States, and I have respect for these three thousand clergymen. I suppose they care more for their own opinions, and the approbation of their own consciences, than even for the grave censure of this Senate.

"He then went on to make use of one of those loose expressions for which Mr. Sumner censured him the other day so severely. He employed this language: 'I venture to say that they [the clergymen] never saw the memorial they sent": thus directly charging the religious teachers of our country with palming on the Senate a spurious document.

"To this attack of the Senator from South Carolina, and others, on the clergy of New England, a portion of Mr. Sumner's reply may be given, as an illustration of the parliamentary character and perfect temper of his discourse.

"'There are men in this Senate justly eminent for eloquence, learning, and ability, but there is no man here competent, except in his own conceit, to sit in judgment on the clergy of New England. Honorable Senators who have been so swift with criticism and sarcasm might profit by their example. *Perhaps the Senator from South Carolina* [Mr. BUTLER], *who is not insensible to scholarship, might learn from them something of its graces.* Perhaps the Senator from Virginia [Mr. MASON], who finds no sanction under the Constitution for any remonstrance from clergymen, might learn from them something of the privileges of an American citizen. Perhaps the Senator from Illinois [Mr. DOUGLAS], who precipitated this odious measure upon the country, might learn from them something of political wisdom.'

"But this history of personalities is not complete. One of the greatest outbreaks is yet to come.

"On the 22d June, 1854, my predecessor, Mr. Rockwell, presented a memorial, signed by three thousand citizens of Boston, asking for the immediate repeal of the Fugitive Slave Act. That memorial was severely attacked, and Mr. Sumner rose to vindicate it. He was followed by the Senator from South Carolina, who made a succession of assaults and insinuations.

"Among other things, he characterized Mr. Sumner's speech as 'a species of rhetoric which is intended to feed the fires of *fanaticism* which he has helped to kindle in his own State, — a species of rhetoric which is not becoming the gravity of this body.'

"And again, on the same page, the Senator says: 'When gentlemen rise and *flagrantly misrepresent* history, as that gentleman has done, by a Fourth-of-July oration, by vapid rhetoric, by a species of rhetoric which, I am sorry to say, ought not to come from a scholar, a rhetoric with more fine color than real strength, I become impatient under it.'

"Here, it will be observed, is a direct charge that Mr. Sumner had *flagrantly misrepresented* history, that his speech was 'vapid rhetoric' and 'a Fourth-of-July oration.' The Senator displays great sensibility because Mr. Sumner charges him, in guarded phrase, with a 'deviation from truth, with so much of passion as to save him from the suspicion of intentional aberration.' And yet, with unblushing assurance, he openly charges Mr. Sumner with *flagrant misrepresentation*, without any of that apology of passion which Mr. Sumner conceded to him. Nor is this the first or the last time in which the Senator did this.

"Again, on the same page, he insinuates that Mr. Sumner was 'a rhetorician playing a part.' This is a favorite idea of the polite Senator. And yet again, on page 1517, first column, he breaks forth

in insinuations against Mr. Sumner, as follows: 'I do not want any of these flaming speeches here, calculated to excite merely, to feed a flame without seeing where it shall extend. No, Sir: do not let us involve the country in a contest to be decided by mobs infuriated by *the flaming speeches of servile orators.*'

"Then follows a passage which can be appreciated only by giving it at length.

"'I have said I am perfectly willing, so far as I am concerned, to let the memorial be referred; but I wish to ask the honorable Senator from Massachusetts who presented it [Mr. ROCKWELL] a question, and I believe, from the impression which he made on me to-day, that he will answer it. If we repeal the Fugitive Slave Law, will the honorable Senator tell me that Massachusetts will execute the provision of the Constitution without any law of Congress? Suppose we should take away all laws, and devolve upon the different States the duties that properly belong to them, I would ask that Senator, whether, under the prevalence of public opinion there, Massachusetts would execute that provision as one of the constitutional members of this Union? Would they send fugitives back to us, after trial by jury, or any other mode? Will this honorable Senator [Mr. SUMNER] tell me that he will do it?

"'MR. SUMNER. Does the honorable Senator ask me if I would personally join in sending a fellow-man into bondage? "Is thy servant a dog, that he should do this thing?"

"'MR. BUTLER. *These are the prettiest speeches that I ever heard.* [*Laughter.*] He has them turned down in a book by him, I believe, and he has them so elegantly fixed that I cannot reply to them. [*Laughter.*] *They are too delicate for my use.* [*Renewed laughter.*] *They are beautiful things,* made in a factory of rhetoric, somewhat *of a peculiar shape,* but, I must be permitted to say, not of a definite texture. Now what does he mean by talking about his not being a dog? [*Continued laughter.*] What has that to do with the Constitution, or the constitutional obligations of a State? [*Laughter.*] *Well, Sir, it was a beautiful sentiment, no doubt, as he thought, and perhaps he imagined he expressed it with Demosthenian abruptness and eloquence.* [*Laughter.*] I asked him whether he would execute the Constitution of the United States, without any Fugitive Slave Law, and he answered me, is he a dog——

"'MR. SUMNER. The Senator asked me if I would help to reduce a fellow-man to bondage. I answered him.

"'MR. BUTLER. Then you would not obey the Constitution. Sir [*turning to Mr.* SUMNER], standing here before this tribunal, where you swore to support it, *you rise and tell me that you regard it the office of a dog to enforce it. You stand in my presence, as a coëqual Senator, and tell me that it is a dog's office to execute the Constitution of the United States?*

"'MR. PRATT. Which he has sworn to support.

"'MR. SUMNER. I recognize no such obligation.

"'Mr. Butler. I know you do not. *But nobody cares about your recognitions as an individual; but as a Senator, and a constitutional representative, you stand differently related to this body.* But enough of this.'

"This attack upon Mr. Sumner is without a parallel in the records of the Senate. But the Senator from South Carolina was not alone in this outrage. He was assisted, I regret to say, by other Senators, — particularly by the Senator from Virginia [Mr. Mason], by the then Senator from Indiana [Mr. Pettit]; but I do not quote their words, for I am now dealing with the Senator from South Carolina.

"To all these Mr. Sumner replied fully and triumphantly, in a speech which, though justly severe throughout, was perfectly parliamentary, and which was referred to at that time, and has been often mentioned since, as a specimen of the greatest severity, united with perfect taste and propriety.

"The above imputation which had been heaped upon him, with regard to the Constitution, was completely encountered, and his position vindicated by the authority of Andrew Jackson, and the still earlier authority of Thomas Jefferson. On this point no attempt has ever been made to answer him.

"In the course of this speech, alluding to the Senator from South Carolina, Mr. Sumner used words which I now adopt, not only for myself on this occasion, but also as an illustration of his course in this controversy.

"'It is he, then, who is the offender. For myself, Sir, I understand the sensibilities of Senators from "slaveholding communities," and would not wound them by a superfluous word. Of Slavery I speak strongly, as I must; but thus far, even at the expense of my argument, I have avoided the contrasts, founded on details of figures and facts, which are so obvious, between the Free States and "slaveholding communities"; especially have I shunned all allusion to South Carolina. But the venerable Senator, to whose discretion that State has entrusted its interests here, will not allow me to be still. God forbid that I should do injustice to South Carolina!'

"But the Senator from South Carolina was not to be silenced or appeased. He still returned to those personalities which flow so naturally and unconsciously from his lips. The early, bitter, personal assaults were repeated. He charged Mr. Sumner's speech with being 'unfair in statement.' This is one of the delicate accusations of the Senator. The next is bolder. He charged Mr. Sumner as 'guilty of historical perversion.' Pray, with what face, after this, can he complain of my colleague? But he seems determined still to press this imputation in the most offensive form, for he next charges my col-

league with '*historical falsehood*, which the gentleman has committed in the fallacy of his *sectional* vision.' It would be difficult to accumulate into one phrase more offensive suggestions; and yet the Senator now complains that he has had administered to him what he has so often employed himself.

"All these are understood to have been accompanied by a manner more offensive than the words.

"In these extracts you will see something of the Senator's insolence, in contrast with the quiet manner of Mr. Sumner, who, while defending his position, was perfectly parliamentary.

"Other passages from the speech of the Senator might be quoted; but the patience of the Senate is wellnigh exhausted by this long exhibition of personalities; therefore I will content myself with only one more. Here it is.

"'I know, Sir, he said the other day that all he said was the effusion of an impulsive heart. But it was the effusion of his drawer. Talk to me about the effusions of the heart! What kind of effusions are those which escape from tables, from papers played like cards sorted for the purpose? They are weapons prepared by contribution, and discharged in this body with a view of gratifying the feelings of resentment and malice, — with a view of wounding the pride of the State which I represent, and through her to stab the reputation of the other Southern States. *But, Sir, we are above the dangers of open combat, and cannot be hurt by the assaults even of attempted assassination.*'

"'We cannot be hurt by attempted assassination,' exclaims the Senator from South Carolina!

"'Attempted assassination'?

"It ill becomes the Senator from South Carolina to use these words in connection with Massachusetts or the North. The arms of Massachusetts are Freedom, Justice, Truth. Strong in these, she is not driven to the necessity of resorting to 'attempted assassination,' either in or out of the Senate.

"But the whole story is not yet told. I wish to refer to another assault made by the Senator, which I witnessed myself a few days after I took a seat in this body. On the 23d of February, 1855, on one of the last days of the last session, to the bill introduced by the Senator from Connecticut [Mr. Toucey] Mr. Sumner moved an amendment providing for the repeal of the Fugitive Slave Act. He made some remarks in support of that proposition. The Senator from South Carolina followed him, saying, 'I would ask him one question, which he, perhaps, will not answer *honestly*.' Mr. Sumner said, 'I will answer any question.' The Senator went on to ask

questions, and received his answers; and then he said, speaking of Mr. Sumner, 'I know he is not a tactician, and I shall not take advantage of the infirmity of a man who does not know half his time exactly what he is about.' This is indeed extraordinary language for the Senator from South Carolina to apply to the Senator from Massachusetts. I witnessed that scene. I then deemed the language insulting: the manner was more so. I hold in my hands the remarks of the *Louisville Journal*, a Southern press, upon this scene. I shall not read them to the Senate, for I do not wish to present anything which the Senator may even deem offensive. I will say, however, that his language and his deportment to my colleague on that occasion were aggressive and overbearing in the extreme. And this is the Senator who never makes assaults! But not content with assaulting Mr. Sumner, he winds up his speech by a taunt at 'Boston philanthropy.' Surely, no person ever scattered assault more freely.

"I have almost done. But something has occurred this session which illustrates the Senator's manner. Not content with making his own speeches, he interrupted the Senator from Missouri [Mr. GEYER], and desired him to insert in his speech an assault on Massachusetts. Here are his words.

"'I wish my friend would incorporate into his speech an old law of Massachusetts which I have found. I would remind my friend of an old league between the four New England States, made while they were colonies, expressly repudiating trial by jury for the reclamation of fugitive slaves. They called them "slaves," too, or rather "fugitive servants"; and they say they shall be delivered up on the certificate of one magistrate.'

"Here is another instance of the Senator's looseness of assertion, even on law, upon the knowledge of which he has plumed himself in this debate. Sir, there were no slaves in Massachusetts at that day. The law alluded to was passed in 1643. It was not until 1646, three years afterward, that the first slaves were imported into Massachusetts from the coast of Africa, and these very slaves were sent back to their native land at public expense. The following is a verbatim copy of the remarkable statute by which these Africans were returned to Guinea, at the expense of the Commonwealth.

"'The General Court, conceiving themselves bound by the first opportunity to bear witness against the heinous and crying sin of man-stealing, as also to prescribe *such timely redress for what is past, and such a law for the future, as may sufficiently deter all others belonging to us to have to do in such vile and most odious courses, justly abhorred of all good and just men*, do order that the negro interpreter, with others unlawfully taken, be, by the first

opportunity, at the charge of the country for present, sent to his native country of Guinea, and a letter with him, of the indignation of the Court thereabouts, and justice hereof.'

"In the face of this Act of 1646, the learned Senator from South Carolina wished his friend from Missouri to incorporate into his speech a false accusation against Massachusetts and the New England colonies. And he went so far as to assert that this old law contained an allusion to 'slaves,' when the word 'slaves' was not mentioned, and 'servants' only was employed.

"Sir, I might here refer to the assault made by the Senator from South Carolina on the Senator from Iowa [Mr. HARLAN], in which he taunted that Senator with being a clergyman, and modestly told him, in the face of the country, that 'he understood Latin as well as that Senator understood English.'

[MR. BUTLER. I never taunted any gentleman with being a clergyman; and the Senator from Iowa will not say so. I said that I had respect for his vocation; but when he attempted to correct my speech, I put him right.]

MR. WILSON. "Whether it was a taunt or not, the Senator disclaims its being so, and I accept the disclaimer; but I apprehend it was not intended as a compliment to the Senator from Iowa, or that it was received as such by that Senator, particularly when taken in connection with the other taunting assumption of the Senator from South Carolina, that he 'understood Latin as well as that Senator understood English.'

"Thus has Mr. Sumner been by the Senator from South Carolina systematically assailed in this body, from the 28th of July, 1852, up to the present time, — a period of nearly four years. He has applied to my colleague every expression calculated to wound the sensibilities of an honorable man, and to draw down upon him sneers, obloquy, and hatred, in and out of the Senate. In my place here, I now pronounce these continued assaults upon my colleague unparalleled in the history of the Senate.

"I come now to speak for one moment of the late speech of my colleague, which is the alleged cause of the recent assault upon him, and which the Senator from South Carolina has condemned so abundantly. That speech — a thorough and fearless exposition of what Mr. Sumner entitled 'The Crime against Kansas' — from beginning to end is marked by entire plainness. Things are called by their right names.

The usurpation in Kansas is exposed, and also the apologies for it, successively. No words were spared which seemed necessary to the exhibition. In arraigning the *Crime*, it was natural to speak of those who sustained it. Accordingly, the Administration is constantly held up to condemnation. Various Senators who have vindicated this Crime are at once answered and condemned. Among these are the Senator from South Carolina, the Senator from Illinois [Mr. DOUGLAS], the Senator from Virginia [Mr. MASON], and the Senator from Missouri [Mr. GEYER]. The Senator from South Carolina now complains of Mr. Sumner's speech. Surely, it is difficult to see on what ground that Senator can make any such complaint. The speech was, indeed, severe, — severe as truth, — but in all respects parliamentary. It is true that it handles the Senator from South Carolina freely ; but that Senator had spoken repeatedly in the course of the Kansas debate, once at length and elaborately, and at other times more briefly, and foisting himself into the speeches of other Senators, and identifying himself completely with the Crime which my colleague felt it his duty to arraign. It was natural, therefore, that his course in the debate, and his position, should be particularly considered. And in this work Mr. Sumner had no reason to hold back, when he thought of the constant and systematic and ruthless attacks which, utterly without cause, he had received from that Senator. The only objection which the Senator from South Carolina can reasonably make to Mr. Sumner is, that he struck a strong blow.

"The Senator complains that the speech was printed before it was delivered. Here, again, is his accustomed inaccuracy. It is true that it was in the printer's hands, and was mainly in type ; but it received additions and revisions after its delivery, and was not put to press till then. Away with this petty objection ! The Senator says that twenty thousand copies have gone to England. Here, again, is his accustomed inaccuracy. If they have gone, it is without Mr. Sumner's agency. But the Senator foresees the truth. Sir, that speech will go to England ; it will go to the Continent of Europe ; it has gone over the country, and has been read by the American people as no speech ever delivered in this body was read before. That speech will go down to coming ages. Whatever men may say of its sentiments, — and coming ages will indorse its sentiments, — it will be placed among the ablest parliamentary efforts of our own age or of any age.

"The Senator from South Carolina tells us that the speech is to be condemned, and he quotes the venerable and distinguished Senator from Michigan [Mr. CASS]. I do not know what Mr. Sumner could stand. The Senator says he could not stand the censure of the Senator

from Michigan. *I could;* and I believe there are a great many in this country whose powers of endurance are as great as my own. I have great respect for that venerable Senator; but the opinions of no Senator here are potential in the country. This is a Senate of equals. The judgment of the country is to be made up on the records formed here. The opinions of the Senator from Michigan, and of other Senators here, are to go into the record, and will receive the verdict of the people. By that I am willing to stand.

"The Senator from South Carolina tells us that the speech is to be condemned. It has gone out to the country. It has been printed by the million. It has been scattered broadcast amongst seventeen millions of Northern freemen who can read and write. The Senator condemns it; South Carolina condemns it: but South Carolina is only a part of this Confederacy, and but a part of the Christian and civilized world. South Carolina makes rice and cotton, but South Carolina contributes little to make up the judgment of the Christian and civilized world. I value her rice and cotton more than I do her opinions on questions of scholarship and eloquence, of patriotism or of liberty.

"Mr. President, I have no desire to assail the Senator from South Carolina, or any other Senator in this body; but I wish to say now that we have had quite enough of this asserted superiority, social and political. We were told, some time ago, by the Senator from Alabama [Mr. CLAY], that those of us who entertained certain sentiments fawned upon him and other Southern men, if they permitted us to associate with them. This is strange language to be used in this body. I never fawned upon that Senator. I never sought his acquaintance, — and I do not know that I should feel myself honored, if I had it. I treat him as an equal here, — I wish always to treat him respectfully; but when he tells me or my friends that we fawn upon him or his associates, I say to him that I have never sought, and never shall seek, any other acquaintance than what official intercourse requires with a man who declared, on the floor of the Senate, that he would do what Henry Clay once said 'no gentleman could do,' — hunt a fugitive slave.

"The Senator from Virginia, not now in his seat [Mr. MASON], when Mr. Sumner closed his speech, saw fit to tell the Senate that his hands would be soiled by contact with ours. The Senator is not here: I wish he were. I have simply to say that I know nothing in that Senator, moral, intellectual, or physical, which entitles him to use such language towards members of the Senate, or any portion of God's creation. I know nothing in the State from which he comes, rich as it is in the history of the past, that entitles him to speak in such a manner. I am not here to assail Virginia. God knows I have not a feeling in my

heart against her, or against her public men; but I do say it is time that these arrogant assumptions ceased here. This is no place for assumed social superiority, as though certain Senators held the keys of cultivated and refined society. Sir, they do not hold the keys, and they shall not hold over me the plantation whip.

"I wish always to speak kindly towards every man in this body. Since I came here, I have never asked an introduction to a Southern member of the Senate, — not because I have any feelings against them, for God knows I have not; but I knew that they believed I held opinions hostile to their interests, and I supposed they would not desire my society. I have never wished to obtrude myself on their society, so that certain Senators could do with me, as they have boasted they did with others, — refuse to receive their advances, or refuse to recognize them on the floor of the Senate. Sir, there is not a Coolie in the Guano Islands of Peru who does not think the Celestial Empire the whole Universe. There are a great many men who have swung the whip over the plantation, who think they not only rule the plantation, but make up the judgment of the world, and hold the keys not only to political power, as they have done in this country, but to social life.

"The Senator from South Carolina assails the resolutions of my State, with his accustomed looseness, as springing from ignorance, passion, prejudice, excitement. Sir, the testimony before the House Committee sustains all that is contained in those resolutions. Massachusetts has spoken her opinions; and although the Senator has quoted the *Boston Courier* to-day, — and I would not rob him of any consolation he can derive from that source, — I know Massachusetts, and I can tell him, that, of the twelve hundred thousand people of Massachusetts, you cannot find in the State one thousand, Administration office-holders included, who do not look with loathing and execration upon the outrage on the person of their Senator and the honor of their State. The sentiment of Massachusetts, of New England, of the North, approaches unanimity. Massachusetts has spoken her opinions. The Senator is welcome to assail them, if he chooses; but they are on the record. They are made up by the verdict of her people, and they understand the question, and from their verdict there is no appeal.

"Mr. President, I have spoken freely; I shall continue always to speak freely. I seek no controversy with any man; but I shall express my sentiments frankly, and the more frankly because on this floor my colleague has been smitten down for words spoken in debate, and because there are those who, unmindful of the Constitution of their country, claim the right thus to question us."

IV.

VOICE OF THE NORTH.

Under this head must be put the speech of Hon. Anson Burlingame, afterwards so justly distinguished as the Minister of China, made in the House of Representatives, June 21, 1856. Here is an extract.

"But, Mr Chairman, all these assaults upon the State of Massachusetts sink into insignificance, compared with the one I am about to mention. On the 19th of May it was announced that Mr. Sumner would address the Senate upon the Kansas question. The floor of the Senate, the galleries, and avenues leading thereto were thronged with an expectant audience; and many of us left our places in this House to hear the Massachusetts orator. To say that we were delighted with the speech we heard would but faintly express the deep emotions of our hearts awakened by it. I need not speak of the classic purity of its language, nor of the nobility of its sentiments. It was heard by many; it has been read by millions. There has been no such speech made in the Senate since the days when those Titans of American eloquence, the Websters and the Haynes, contended with each other for mastery.

"It was severe, because it was launched against tyranny. It was severe as Chatham was severe, when he defended the feeble colonies against the giant oppression of the mother country. It was made in the face of a hostile Senate. It continued through the greater portion of two days; and yet, during that time, the speaker was not once called to order. This fact is conclusive as to the personal and parliamentary decorum of the speech. He had provocation enough. His State had been called 'hypocritical.' He himself had been called 'a puppy,' 'a fool,' 'a fanatic,' and 'a dishonest man.' Yet he was parliamentary from the beginning to the end of his speech. No man knew better than he did the proprieties of the place, for he had always observed them. No man knew better than he did parliamentary law, because he had made it the study of his life. No man saw more clearly than he did the flaming sword of the Constitution turning every way, guarding all the avenues of the Senate. But he was not thinking of these things; he was not thinking then of the privileges of the Senate, nor of the guaranties of the Constitution. He was there to denounce tyranny and crime; and he did it. He was there to speak for the rights of an empire; and he did it bravely and grandly.

"So much for the occasion of the speech. A word, and I shall be pardoned, about the speaker himself. He is my friend; for many and many a year I have looked to him for guidance and light, and I never looked in vain. He never had a personal enemy in his life; his character is as pure as the snow that falls on his native hills; his heart overflows with kindness for every being having the upright form of man; he is a ripe scholar, a chivalric gentleman, and a warm-hearted, true friend. He sat at the feet of Channing, and drank in the sentiments of that noble soul. He bathed in the learning and undying love of the great jurist, Story; and the hand of Jackson, with its honors and its offices, sought him early in life, but he shrank from them with instinctive modesty. Sir, he is the pride of Massachusetts. His mother Commonwealth found him adorning the highest walks of literature and law, and she bade him go and grace somewhat the rough character of political life. The people of Massachusetts — the old, and the young, and the middle-aged — now pay their full homage to the beauty of his public and private character. Such is Charles Sumner.

"On the 22d day of May, when the Senate and the House had clothed themselves in mourning for a brother fallen in the battle of life in the distant State of Missouri, the Senator from Massachusetts sat in the silence of the Senate Chamber, engaged in the employments appertaining to his office, when a member from this House, who had taken an oath to sustain the Constitution, stole into the Senate, that place which had hitherto been held sacred against violence, and smote him as Cain smote his brother.

[Mr. Keitt (in his seat). That is false.

Mr. Burlingame. I will not bandy epithets with the gentleman. I am responsible for my own language. Doubtless he is responsible for his.

Mr. Keitt. I am.

Mr. Burlingame. I shall stand by mine.]

"One blow was enough; but it did not satiate the wrath of that spirit which had pursued him through two days. Again and again, quicker and faster, fell the leaden blows, until he was torn away from his victim, when the Senator from Massachusetts fell in the arms of his friends, and his blood ran down on the Senate floor. Sir, the act was brief, and my comments on it shall be brief also. I denounce it in the name of the Constitution it violated. I denounce it in the name of the sovereignty of Massachusetts, which was stricken down by the blow. I denounce it in the name of civilization, which it outraged. I de-

nounce it in the name of humanity. I denounce it in the name of that fair play which bullies and prize-fighters respect. What! strike a man when he is pinioned, — when he cannot respond to a blow? Call you that chivalry? In what code of honor did you get your authority for that? I do not believe that member has a friend so dear who must not, in his heart of hearts, condemn the act. Even the member himself, if he has left a spark of that chivalry and gallantry attributed to him, must loathe and scorn the act. God knows, I do not wish to speak unkindly or in a spirit of revenge; but I owe it to my manhood, and the noble State I in part represent, to express my deep abhorrence of the act.

"But, much as I reprobate the act, much more do I reprobate the conduct of those who were by and saw the outrage perpetrated. Sir, especially do I notice the conduct of that Senator, recently from the free platform of Massachusetts, with the odor of her hospitality on him, who stood there, not only silent and quiet, while it was going on, but, when it was over, approved the act. And worse, — when he had time to cool, when he had slept on it, he went into the Senate Chamber of the United States, and shocked the sensibilities of the world by approving it. Another Senator did not take part because he feared his motives might be questioned, exhibiting as extraordinary a delicacy as that individual who refused to rescue a drowning mortal because he had not been introduced to him. [*Laughter.*] Another was not on good terms; and yet, if rumor be true, that Senator has declared that himself and family are more indebted to Mr. Sumner than to any other man; yet, when he saw him borne bleeding by, he turned and went on the other side. O magnanimous Slidell! O prudent Douglas! O audacious Toombs!"

This speech drew from Mr. Brooks a challenge, which was promptly accepted by Mr. Burlingame, who insisted upon these terms: "Weapons, rifles; distance, twenty paces; place, District of Columbia; time of meeting, the next morning." Hon. L. D. Campbell, who acted as Mr. Burlingame's friend, substituted the Clifton House, Canada, for the District of Columbia. The friends of Mr. Brooks, assuming that the excitement growing out of the assault made it dangerous for him to traverse the country, prevented the meeting from taking place.

The following resolves were adopted by the Legislature of Massachusetts, and duly presented to both Houses of Congress.

"*Resolves concerning the recent Assault upon the Honorable Charles Sumner at Washington.*

"*Resolved*, By the Senate and House of Representatives of the Commonwealth of Massachusetts, that we have received with deep concern information of the recent violent assault committed in the Senate Chamber at Washington upon the person of the Honorable Charles Sumner, one of our Senators in Congress, by Preston S. Brooks, a member of the House of Representatives from South Carolina, — an assault which no provocation could justify, brutal and cowardly in itself, a gross breach of parliamentary privilege, a ruthless attack upon the liberty of speech, an outrage of the decencies of civilized life, and an indignity to the Commonwealth of Massachusetts.

"*Resolved*, That the Legislature of Massachusetts, in the name of her free and enlightened people, demands for her representatives in the National Legislature entire *Freedom of Speech*, and will uphold them in the proper exercise of that essential right of American citizens.

"*Resolved*, That we approve of Mr. Sumner's manliness and courage in his earnest and fearless declaration of free principles and his defence of human rights and free territory.

"*Resolved*, That the Legislature of Massachusetts is imperatively called upon by the plainest dictates of duty, from a decent regard to the rights of her citizens, and respect for her character as a sovereign State, to demand, and the Legislature of Massachusetts hereby does demand, of the National Congress, a prompt and strict investigation into the recent assault upon Senator Sumner, and the expulsion by the House of Representatives of Mr. Brooks of South Carolina, and any other member concerned with him in said assault.

"*Resolved*, That his Excellency the Governor be requested to transmit a copy of the foregoing resolves to the President of the Senate and Speaker of the House of Representatives, and to each of the Senators and Members of the House of Representatives from this Commonwealth, in the Congress of the United States."

The Governor of New York addressed Mr. Sumner directly by letter as follows.

"State of New York, Executive Department.
Albany, May 28, 1856.

"Honorable Charles Sumner: —

"My dear Sir, — From the moment the lightning flashed the intelligence of the barbarous and brutal assault made upon you by the sneaking, slave-driving scoundrel Brooks, the blood has tingled in my

veins, and I have desired to express to you, not my abhorrence of the villain, for I could not find words adequate, but my personal sympathy for you, and, in their behalf, that of the people of this State (except a few 'doughfaces,' — we have still a very few, the breed is not yet quite extinct here), — assuring you that the hearts of our people are warmly and strongly with you, and that your noble and eloquent speech has already been very generally read by our citizens, — that it is not only entirely approved, but highly applauded, — and that its doctrines, sentiments, and expressions, and its author, will be *sustained* and DEFENDED by the people of this State.

"Ardently hoping for your recovery and speedy restoration to health, I have the honor to remain, with the highest regard,

"Your friend and servant,

"MYRON H. CLARK."

Of the resolutions at public meetings a few only are presented.

The following, from the pen of William Lloyd Garrison, were adopted by the New England Antislavery Society.

"1. *Resolved*, That this Convention fully participates in the general feeling of indignation and horror which is felt in view of the recent dastardly and murderous assault made in the Senate Chamber at Washington upon the person of the distinguished Senator from Massachusetts, Hon. Charles Sumner, by a fitting Representative of and from the lawless State of South Carolina; that, whether regard be had to the place or to the manner in which it was committed, or to the position and character of the victim, an assault characterized by greater cowardice and ruffianism, or more daring in its contempt for all that is sacred in constitutional liberty, or more comprehensively malignant against the cause of human freedom, cannot be found on the page of history; that it indicates a conspiracy, on the part of the Slave Oligarchy, to 'crush out' freedom of speech on the floor of Congress as effectually as it is done on the slave plantation, by putting in peril the life of every Northern Senator or Representative who shall dare to lift up a manly voice against Executive usurpation and border-ruffianism; and, therefore, that whoever shall attempt to find any justification, or to frame any apology for it, will reveal himself to be on a level with the base assailant of as pure and generous and noble a man as ever yet occupied a seat in our national legislature.

"2. *Resolved*, That the speech made by Mr. Sumner, which has subjected him to this most brutal treatment, is a speech at any time worth dying for, — perfect in its conception, arrangement, and execu-

tion, conclusive in its argument and evidence, masterly in its exposure of Executive usurpation, sublime in its moral heroism, invincible in its truthfulness, just in its personal impeachment, unsurpassed in its eloquence, and glorious in its object ; that, sealed with his blood, it shall quicken the pulses of millions now living to engage in a death-grapple with the Slave Power, and go down to posterity as a rich legacy to the cause of Universal Liberty."

The following resolution was passed unanimously, at the meeting of Ministers in Boston, immediately after the news of the assault.

"*Resolved*, That the murderous assault upon our honored Senator, Charles Sumner, is not only a dastardly assault upon his person, and, through him, upon the right of free speech, but also a wound which we individually feel, and by which our very hearts bleed ; and whether he shall recover, or sink into a martyr's grave, — which may God avert ! — we will address ourselves unto prayer and effort that this sorrowful event may become the glorious resurrection of national virtue, and the triumph of Freedom."

At the Political Radical Abolition Convention, held at Syracuse, N. Y., May 28th and 29th, 1856, on motion of Lewis Tappan, the following was unanimously adopted.

"*Resolved*, That we hold in grateful admiration the character of the Hon. Charles Sumner ; that we honor the splendid services he has rendered to the cause of Liberty ; that we deeply sympathize with him in his present sufferings in consequence of the cowardly and brutal attack of the villain who dared to assault the intrepid advocate of the Slave in the American Senate Chamber ; and that we hope and pray that Mr. Sumner's valuable life will be spared until he shall witness the complete overthrow of the execrable system that now brutalizes our brethren in bondage, and brutalizes their oppressors, and disgraces our country."

At New York there was a meeting immense in numbers and unprecedented in character, of which George Griswold was Chairman. Among the speakers were William C. Bryant, Daniel Lord, the eminent lawyer, Samuel B. Ruggles, Charles King, President of Columbia College, Edwin B. Morgan, John A. Stevens, Joseph Hoxie, and Henry Ward Beecher. The following resolutions were moved by Hon. William M. Evarts, afterwards Attorney-General.

"*Whereas* it has become certainly known to the citizens of New York, upon a formal investigation by a Committee of the Senate of the United States, and otherwise, that on the 22d day of May, instant, the Honorable Charles Sumner [*long, loud, and enthusiastic cheers*], Senator from Massachusetts, while in his seat in the Senate Chamber, was violently assaulted with a weapon of attack by Preston S. Brooks [*loud hisses and groans for Brooks*], a member of the House of Representatives from South Carolina, and beaten to insensibility upon the floor of the Senate, which was stained with his blood; that the assailant sought the Senate Chamber to perpetrate this outrage, provided with his weapon and attended by a follower in its aid, and, taking his unarmed victim unawares and in a posture which renders defence impossible, by a heavy blow utterly disabled him, and with cruel repetition inflicted frequent and bloody wounds upon his prostrate, helpless form, with which wounds Senator Sumner now languishes in peril of his life; that the sole reason alleged for this violent outrage was a speech made by Senator Sumner in debate upon a public question then pending in the Senate, no word of which was, during its delivery, made the subject of objection by the President of the Senate or any Senator, and which was concluded on the 20th day of May, instant: Now, at a public meeting of citizens of New York, convened without distinction of party [*applause*], and solely in reference to the public event above recited, it is

"*Resolved*, That we sincerely and respectfully tender our sympathy to Senator Sumner in the personal outrage inflicted upon him, and the anguish and peril which he has suffered and still suffers from that outrage, and that we feel and proclaim that his grievance and his wounds are not of private concern [*cheers*], but were received in the public service, and every blow which fell upon his head we recognize and resent as an insult and injury to our honor and dignity as a people, and a vital attack upon the Constitution of the Union. [*Loud cheers and applause.*]

"*Resolved*, That we discover no trace or trait, either in the meditation, the preparation, or the execution of this outrage by Preston S. Brooks [*loud hisses and groans for Brooks*], which should qualify the condemnation with which we now pronounce it *brutal, murderous, and cowardly. [Continued cheers, and cries of 'Read it again!' Mr. Evarts repeated the last clause. Voices, — 'Yes, cowardly! that's the word! — cowardly!' Another voice, — 'Now let him send another challenge!']*

. . . . .

"*Resolved*, That we have witnessed with unmixed astonishment and the deepest regret the clear, bold, exulting espousal of the outrage,

and justification and honor of its perpetrator, exhibited by Senators and Representatives of the Slave States, without distinction of party, in their public places, and by the public press, without distinction of party, in the same portion of our country, and that, *upon the present state of the evidence*, we are forced most unwillingly to the sad conclusion that the general community of the Slave States is in complicity in feeling and principle with the system of intimidation and violence, for the suppression of freedom of speech and of the press, of which the assault on Senator Sumner is the most signal, but not the singular instance. [*Applause.*] That we sincerely hope, that, on fuller and calmer consideration, the public men and public press and the general community of the Slave States will give us a distinct manifestation of their sentiments which will enable us, too, to reconsider our present judgment. [*Applause.*]"

At this meeting the Rev. Henry Ward Beecher spoke as follows.

"Had Mr. Sumner been a man of war, or a man of brawling words, had he been any other than what he was, the case could not have been so strong. I know not that there would have been found throughout all the land one man so fit to be offered up as a sacrifice for Liberty, a man so worthy to be offered up on the great altar of our country. [*Applause.*] No aspiring politician has he been. His past career has not been marked by ambitious clutchings. A lawyer by profession, but a scholar by instinct, — a man of refined ideas, of social taste, — he was seized by one of those sudden gusts of popular feeling which break out occasionally in all our Free States, and elected to the Senate of the United States. While his election was yet pending, I had the pleasure of conversation with him in his office, I being a clergyman, and confessor on that occasion [*laughter*], and he told me the secrets of his heart. I am sure, that, although not without honorable and manly ambition, this man had no desire for that position. Since he has been in Washington, his course has been that which became a man, a Christian, a gentleman, a statesman, and a scholar. He has everywhere not merely observed the rules of decorum, but, with true chivalry, with the lowliest gentleness, he has maintained himself void of offence, so that the only complaint which I have ever heard of Senator Sumner has been this, that he, by his shrinking and sensitive nature, was not fit for the 'rough and tumble' of politics in our day. . . . .

"Mr. Sumner had no other weapon in his hand than his pen. Ah, Gentlemen, here we have it! The symbol of the North is the pen; the symbol of the South is the bludgeon."

At a public meeting in Canandaigua, of which Hon. Francis Granger, Postmaster-General under President Harrison, was Chairman, the following resolutions were adopted.

"1. *Resolved*, That in this premeditated and brutal attack upon Senator Sumner, for words spoken by him in legislative debate, and in the conscientious discharge of his public duty, we behold not only a malignant outrage upon the person of a distinguished public servant, but also a wanton violation of the right of freedom of speech, — a right which is guarantied to every Representative, and through him to his constituents, by the express provisions of the Constitution, — a right without which the office of the legislator would be powerless and the liberties of the people would become extinct, and which is therefore 'inestimable to them and formidable to tyrants only.'

"2. *Resolved*, That, participating in the righteous indignation which was recently expressed by thousands of freemen assembled in the city of New York, 'we discover no trace or trait, either in the meditation, the preparation, or the execution of this outrage, which should qualify the condemnation with which we now pronounce it *brutal, murderous, and cowardly.*'

. . . . .

"5. *Resolved*, That to the Hon. Charles Sumner, the man of pure and generous qualities, the accomplished scholar, the distinguished lawyer, and the able and eloquent Senator, we respectfully and sincerely offer our sympathies in the pain and peril which he has suffered and is still suffering from this despicable assault; and we earnestly hope that his restoration to health may be speedy and complete, and that he may long be spared to vindicate the great popular rights at which the blows inflicted upon him were aimed."

At Providence, Rhode Island, there was a public meeting, in which the most distinguished citizens took part. Among the able speakers was the Rev. Dr. Hedge, who said, among other things: —

"I have heard of crimes which betoken greater pravity of heart, but never have I heard or read of an act more flagitious in its open defiance of sacred rights, in its ruthless disregard of all humane sentiment and shameless violation of decency and order. We shall form a more just conception of the outrage by viewing it abstractedly from any interest we may feel in it as fellow-citizens of the parties concerned. Suppose we had read, among the items of recent transatlantic intelligence, that Count Buol, at the Peace Congress in Paris, offended by

some expression of the Earl of Clarendon, had felled him to the ground with murderous blows. Imagine what a thrill of horror would have struck through the heart of Europe, and how the wrath of the nations would have chased the perpetrator of such an act from the face of the earth. Or suppose Mr. Hume, of the British Commons, had entered the House of Lords, and beaten Lord Brougham with a club until he was borne senseless from the spot. With what confidence should we look to be advised by the next steamer that the culprit had been doomed to expiate his crime by the direst penalty which the laws of England have provided! — if, indeed, the English law has made any provision for such a case, and not rather, as the law of the Roman Commonwealth did the crime of parricide, left it unprovided for, as an impossible, unsupposable enormity.

"One supposition more. Conceive the situation of the parties in the case before us reversed. Suppose Senator Butler, who has said severer things of Mr. Sumner than Mr. Sumner of him, to have been the victim, and some member from Massachusetts, perhaps a far-away cousin of Mr. Sumner, to have been the aggressor. Does any one here present imagine that the 'gallant relative' in that case would be going about unmolested on a paltry bail of five hundred dollars? If the trusty bowie-knife or omnipresent revolver of Southern chivalry did not otherwise dispose of him, does any one doubt that the summary and prompt vengeance of Congress and the law would have been demanded by one side and conceded by the other?"

Here is a brief extract from the speech of Rev. Dr. Wayland.

"The question before us is simply, whether you, here and now, consent to this change in our form of government, and accept the position which it assigns to you, — and whether you agree to transmit to your children this precious inheritance? For myself, I must decline the arrangement. I was born free, and I cannot be made a slave. I bow before the universal intelligence and conscience of my country, and when I think this defective, I claim the privilege of using my poor endeavors to enlighten it. But to submit my reason to the bludgeon of a bully or the pistol of an assassin I cannot; nor can I tamely behold a step taken which leads inevitably to such a consummation.

"You see that I consider this as a case of unusual solemnity. It becomes us to deliberate wisely, to resolve in view of the future as well as the past, and prepare ourselves to carry our resolutions out to all their legitimate conclusions, and, in doing this, to pledge to each other our lives, our fortunes, and our sacred honor."

At a public meeting in Chapman Hall, Boston, immediately after the assault, Wendell Phillips said: —

"Nobody needs now to read this speech of Charles Sumner to know whether it is good. We measure the amount of the charge by the length of the rebound. [*Cheers.*] When the spear, driven to the quick, makes the Devil start up in his own likeness, we may be sure it is the spear of Ithuriel. [*Great applause.*] That is my way of measuring the speech which has produced this glorious result. Oh, yes, glorious! for the world will yet cover every one of those scars with laurels. [*Enthusiastic cheering.*] Sir, he *must* not die! We need him yet, as the vanguard leader of the hosts of Liberty. No, he shall yet come forth from that sick-chamber, and every gallant heart in the Commonwealth be ready to kiss his very footsteps. [*Loud cheers.*]

. . . . .

"Perhaps, Mr. Chairman and fellow-citizens, I am wrong; but I accept that speech of my loved and honored friend, and with an unmixed approbation, — read it with envious admiration, — take it all. [*Cheers.*] Yes, what word is there in it that any one of us would not have been proud to utter? Not one! [*Great applause.*] In utter scorn of the sickly taste, of the effeminate scholarship, that starts back, in delicate horror, at a bold illustration, I dare to say there is no animal God has condescended to make that man may not venture to name. [*Applause.*] And if any ground of complaint is supposable in regard to this comparison, which shocks the delicacy of some men and some presses, it is the animal, not Mr. Douglas, that has reason to complain. [*Thunders of applause, renewed again and again.*]

. . . . .

"Mr. Chairman, there are some characters whose worth is so clear and self-evident, so tried and approved, so much without flaw, that we lay them on the shelf, — and when we hear of any act attributed to them, no matter in what doubtful terms it be related, we judge the single act by the totality of the character, by our knowledge of the whole man, letting a lifetime of uprightness explain a doubtful hour. Now, with regard to our honored Senator, we know that his taste, intellect, and heart are all of this quality, — a total, unflawed gem; and I know, when we get the full and complete report of what he said, the *ipsissima verba* in which it was spoken, that the most fastidious taste of the most delicate scholar will not be able to place finger on a word of Charles Sumner which the truest gentleman would not gladly indorse. [*Loud cheers.*] I place the foot of my uttermost contempt on those members of the press of Boston that have anything to say in

criticism of his language, while he lies thus prostrate and speechless, — our champion beaten to the ground for the noblest word Massachusetts ever spoke in the Senate. [*Prolonged applause.*]"

A great meeting in Faneuil Hall was remarkable for the speeches, of which a few extracts are given.

His Excellency, Henry J. Gardner, at the time Governor of Massachusetts, said: —

"Were this a party occasion, my feet would not be upon this platform; were this to stir up sectional animosity or promote local discord, my voice would never reverberate from these arches above my head; but when the State of Massachusetts is attacked in one of her dearest rights, one of her most glorious privileges, I should be recreant to my duty, I should be false to my trust, as every one who hears me would be, did I not protest against this infraction of our common rights. I wish, my friends, in order to give the greatest moral weight possible to this meeting, to give its proceedings the most cogent force, to assume in the outset that this case can in no wise, in no way, and under no consideration, be considered anything but a spontaneous expression of the sentiments of gentlemen of every party in the State of Massachusetts upon this question. The last time the eloquent and honorable Senator of Massachusetts addressed his fellow-citizens of Boston, he stood where I now stand, on the eve of the election in November last; and here, he being a Senator of Massachusetts in the Congress of the United States, and I being Governor of the Commonwealth of Massachusetts, he indulged in what he honestly believed to be facts and statements in regard to those of my friends who were striving to place me again in the post I then occupied, using no unfair, but only honest statements of the views he held; and he being still a Senator from Massachusetts, and I again her Governor, and this being the first time since then that my voice has been heard in Faneuil Hall, while I lament most deeply the circumstance which has called us together, I rejoice that it gives me an opportunity to rise superior to party feelings, to party bias, and to express my sentiments that we must stand by him who is the representative of Massachusetts, under all circumstances. [*Loud cheers.*] And while he represents the old Commonwealth in the United States Senate, in the performance of his constitutional duties as he understands them, I will, so help me Heaven, do all in my humble ability to strengthen his arm and encourage his heart. [*Loud applause.*]"

Hon. George S. Hillard said: —

"But now, when I read of this event in the Senate, of this assault upon Sumner, it seemed to me it was a very bad specimen of a very bad school. [*Laughter.*] And all of us were affected in the same manner, upon reading the account. What was our first exclamation? Not that it was an inhuman outrage, or a brutal outrage, but that it was cowardly. I say that the cowardliness of this attack stands out even more conspicuous, to my eye, than its brutality or its inhumanity. To approach a man imprisoned, tied hand and foot, as it were, between an arm-chair and a desk, and to strike him over the head without warning or immediate provocation, a stunning, deadly blow with a bludgeon, is, in my opinion, the act of an assassin. [*Applause.*] And I say, that, compared to such an act, the act of the man who meets me on the high-road, and horsewhips, or at least attempts to horsewhip me [*laughter*], soars to something like manliness and courage. [*Cheers.*]"

Hon. Peleg W. Chandler said: —

"For more than twenty years, Mr. President and fellow-citizens, I have been on terms of the closest intimacy with Charles Sumner. For more than one half that period I have been his political opponent. It is precisely because I have been, and now am, his personal friend, and it is precisely because I have been, and now am, his political opponent, that I have come here to-night, — not with the intention of speaking upon this platform, but to listen to the voices of those who are his political as well as personal friends, in relation to the great outrage which has brought a stain upon our country.

"I have heard here, Gentlemen, a great deal of sympathy expressed for Mr. Sumner. As his personal friend, I beg to say that that feeling is entirely uncalled for, if not to some extent misplaced. Have sympathy for the great martyrs of the past, for those who wear the civic crown, if you will, — but I tell you that that gentleman in Washington who now lies upon a bed of pain, whose life it may be is hanging in the balance, needs no sympathy from us. Every drop of blood shed by him in this disgraceful affair has raised up ten thousand armed men. [*Applause.*] Every gash upon that forehead will be covered with a political crown, let it be resisted as much as it may be resisted, here or elsewhere. [*Loud cheers.*] This matter is raised far above and beyond all personal considerations. It is a matter of trifling consequence to Mr. Sumner. It makes those who love him love him more, — and no man is more loved, or more to be considered, so far as the affections or friendship are concerned. Yet personal feelings are of little or no consequence in this outrage. It is a blow

not merely at Massachusetts, a blow not merely at the name and fame of our common country; it is a blow at constitutional liberty all the world over; it is a stab at the cause of Universal Freedom. It is aimed at all men, everywhere, who are struggling for what we now regard as our great birthright, and which we intend to transmit unimpaired to our latest posterity. [*Loud cheers.*]

"Whatever may be done in this matter, however, one thing is certain, one thing is sure. The blood of this Northern man, who had dared to stand up in the Senate of the United States under circumstances that would have discouraged a man of less ardor, less enthusiasm, and less courage, — that blood now stains the Senate floor; and let me tell you, that not all the water of the Potomac can wash it out. They may cry, with the great tragic queen, 'Out, damned spot!' but no water of this world can ever efface it. Forever, forever and aye, that stain will plead in silence for liberty, wherever man is enslaved, for humanity all over the world, for truth and for justice, now and forever. [*Continued applause.*]"

The meeting at Cambridge was distinguished for the character of those who took part in it, many of whom had not sympathized with Mr. Sumner in his public life. The President was Hon. Joel Parker, formerly Chief Justice of New Hampshire; and among the Vice-Presidents were Theophilus Parsons, the eminent law-writer, — C. C. Felton, afterwards President of Harvard University, — Jared Sparks, the historian, — Henry W. Longfellow, — Charles Beck, the Latin scholar, — Joseph E. Worcester, the lexicographer, — Willard Phillips, the law-writer and judge, — Joseph T. Buckingham, the well-known editor.

Professor Felton thus alluded to Mr. Sumner: —

"I know Mr. Sumner well. In former times I had a long, an intimate, and an affectionate acquaintance with him; and I feel bound to say that he is a scholar of rich and rare acquirements, a gentleman of noble qualities and generous aims, distinguished for the amenities of social life, and a companion most welcome in the society of the most generous, the most refined, the most exalted. Sir, I had nothing to do with sending Mr. Sumner to the Senate of the United States; I had no vote to cast on that occasion; and if I had had, it would not, on public grounds, have been cast for him. I shall have none to cast, when the time for another election comes; but if I had five hundred votes, every one should be given to send him back again. [*Great applause.*]

"Such is the man for whom ruffians lay in wait, whom they assaulted, when unarmed and defenceless, in the Senate House."

Richard H. Dana, Jr., Esq., made an elaborate speech, of which the following is only an extract.

"But I cannot, if I would, altogether withdraw my thoughts from this personal outrage upon Mr. Sumner. Charles Sumner!

'He is my friend, — faithful and just to me.'

I cannot allow myself to call up that scene in the Senate House, lest I should feel more than I shall be able to express or be willing to betray. Boston, his native town, has spoken. Next to Boston, there is no place so dear to him as Cambridge. He is a true son of Harvard. The best years of his early life, from fifteen to twenty-three, he spent here: the four years of college, — a fifth year which he wisely, though unusually, added to his course, for the perfecting of his classical and general studies, — and the three years of his studies in the Law School. At the Law School his attainments were not only great, but wonderful; and for purity of character, kindness, and frankness, he was respected and beloved by all. He was the friend, young as he was, the beloved friend, the frequent and honored guest of Story, of Channing, and of Allston. He was the companion of your Longfellow and your Felton. No young man was more honored by Mr. Webster — in I had almost said his better days. He was the friend of every man and of every cause that deserved to have a friend. At the bar he distinguished himself, especially in juridical literature. He was the reporter of Judge Story's decisions, and editor of the *Jurist*, where the young student will find the copious results of his enthusiastic labors in his then beloved profession. When he went abroad, he took nothing in his hand that his own merits had not given him. He had not one claim that did not rest on character, learning, and talents. Still under the age of thirty, he became in Europe the honored friend of men whose names have honored the world. Turning his back upon the attractions of dissipation and fashion, he devoted himself to the society of the learned, the wise, the philanthropic, and to all great and good objects. Thomas Carlyle, in a letter to America, says, "We have had *popular Sumner* here," — so universally was he liked. In Paris, while the North-eastern Boundary question was agitating England and America, and attracting much of the attention of Europe, Sumner shut himself into the libraries and public archives, and produced a treatise upon the subject, thought then to be almost exhausted, which, published in the great journals of Europe, and brought before Parliaments and Councils,

changed the aspect of the question in Europe, and redounded to his great honor at home.

"After his return, under the influence of Dr. Channing, and in sympathy with Dr. Howe and others, he devoted much of his time to the great philanthropic and social problems of the day, — Slavery, Pauperism, Crime, and Prison Discipline, — and gradually the overshadowing social, political, and national importance of the Slave question drew him first before the people and into public life. When his sentiments on the Slave question were to be sustained at the risk of his ease, his interests, his friendships, and his popularity, he put them all to the hazard. When proposed as candidate for the Senate, the highest office Massachusetts can give, while his election hung trembling in the balance week after week, when one or two votes would secure it, and this or that thing said or done it was thought would gain them, nothing would induce Charles Sumner to take one step from his regular course from his house to his office to speak to any man ; he would not make one bow the more, nor put his hand to a line, however simple or unobjectionable, to secure the result. I know — I have right to say this — I know that in this course he resisted temptations and advice and persuasions which few men would not have yielded to. He was elected. It was a tribute to character and talent.

"When he went to Washington, to fight almost alone, with only two or three allies, discountenanced by colleagues and cried down by the great majority, to fight the fight for Freedom, he determined not to speak on the subject of Slavery until he had done all in his power to secure the confidence and good-will of his opponents. So far did he carry this, that his friends here feared that he was bending before the idol, as others had bent. He secured his footing as well as it could be secured. All but fanatics for Slavery admitted his claims to personal affection and public respect. On this basis he took his stand for Freedom. You have seen the result. Few men in America have ever had, perhaps no one man now has, so many readers as he. His opponents say that he burns the midnight lamp. He does. And

'How far that little candle throws his beams!'

His opponents, too, burn the midnight lamp ; but, as you remember, Sir, the great Athenian said, there is a difference between the objects on which their lamp throws its glare and his."

Among the meetings, that of Concord deserves mention. The resolutions, introduced by Hon. E. Rockwood Hoar, were as follows.

"*Resolved*, That we have heard with feelings of the deepest indignation of the cowardly and brutal assault upon a Senator of Massachusetts, in the Senate Chamber of the United States, for words spoken in debate, in his place, upon the floor of the Senate.

"*Resolved*, That this dastardly outrage has in itself dishonored no one but the ruffian who committed it, — but that the Senate and House of Representatives of the United States will make themselves accomplices of the criminal, and deliberate partakers of the guilt and infamy of the crime, if they shall fail to visit upon him speedy and condign punishment.

"*Resolved*, That, if there are those who imagine that the voice of a Senator of Massachusetts can be silenced, or the expression of the deliberate opinions of her people upon public measures and public men can be stifled and suppressed, *by the terrors of assassination*, we *know* that in CHARLES SUMNER they have mistaken *the man*, and we will endeavor to show that they have mistaken the Commonwealth.

"*Resolved*, That, in this assault upon our distinguished Senator, the right of free debate in Congress, guarantied by the Constitution of the United States, has been dangerously assailed ; and all men who are not willing to see it wholly destroyed are called upon, personally, to rebuke the outrage, and all its abettors, defenders, and apologists.

"*Resolved*, That we thank Mr. Sumner with our whole hearts for his heroic defence of the Kansas settlers, and his solemn arraignment before the country of the perpetrators of the great *Crime* against that unhappy and conquered province.

"*Resolved*, That we have a right to look to the House of Representatives to vindicate the honor of the country in the eyes of the civilized world, by expelling from their body a member with whom none but bullies and savages can hereafter fitly associate."

These were followed by a speech from Ralph Waldo Emerson, of which this is an extract.

"The outrage is the more shocking from the singularly pure character of its victim. Mr. Sumner's position is exceptional in its honor. He had not taken his degrees in the caucus and in hack politics. It is notorious, that, in the long time when his election was pending, he refused to take a single step to secure it. He would not so much as go up to the State House to shake hands with this or that person whose good-will was reckoned important by his friends. He was elected. It was a homage to character and talent. In Congress he did not rush into a party position. He sat long silent and studious. His friends, I remember, were told that they would find Sumner a man of the

world, like the rest: 'T is quite impossible to be at Washington and not bend; he will bend, as the rest have done.' Well, he did not bend. He took his position, and kept it. He meekly bore the cold shoulder from some of his New England colleagues, the hatred of his enemies, the pity of the indifferent, cheered by the love and respect of good men with whom he acted, and has stood for the North, a little in advance of all the North, and therefore without adequate support. He has never faltered in his maintenance of justice and freedom. He has gone beyond the large expectation of his friends in his increasing ability and his manlier tone.

"I have heard that some of his political friends tax him with indolence or negligence in refusing to make electioneering speeches, or otherwise to bear his part in the labor which party organization requires. I say it to his honor. But more to his honor are the faults which his enemies lay to his charge. I think, Sir, if Mr. Sumner had any vices, we should be likely to hear of them. They have fastened their eyes like microscopes, now for five years, on every act, word, manner, and movement, to find a flaw, — and with what result? His opponents accuse him neither of drunkenness, nor debauchery, nor job, nor peculation, nor rapacity, nor personal aims of any kind. No: but with what? Why, beyond this charge, which it is impossible was ever sincerely made, that he broke over the proprieties of debate, I find him accused of publishing his opinion of the Nebraska conspiracy in a letter to the People of the United States, with discourtesy. Then, that he is an Abolitionist: as if every sane human being were not an Abolitionist, or a believer that all men should be free. And the third crime he stands charged with is, that his speeches were written before they were spoken: which of course must be true in Sumner's case, — as it was true of Webster, of Adams, of Calhoun, of Burke, of Chatham, of Demosthenes, of every first-rate speaker that ever lived. It is the high compliment he pays to the intelligence of the Senate and of the country. When the same reproach was cast upon the first orator of ancient times by some caviller of his day, he said, 'I should be ashamed to come with one unconsidered word before such an assembly.'

"Mr. Chairman, when I think of these most small faults as the worst which party hatred could allege, I think I may borrow the language which Bishop Burnet applied to Sir Isaac Newton, and say, that Charles Sumner 'has the whitest soul I ever knew.'

"Well, Sir, this noble head, so comely and so wise, must be the target for a pair of bullies to beat with clubs! The murderer's brand shall stamp their foreheads, wherever they may wander in the earth.

But I wish, Sir, that the high respects of this meeting shall be expressed to Mr. Sumner, that a copy of the resolutions that have been read may be forwarded to him. I wish that he may know the shudder of terror that ran through all this community on the first tidings of this brutal attack. Let him hear that every man of worth in New England loves his virtues, — that every mother thinks of him as the protector of families, — that every friend of Freedom thinks him the friend of Freedom. And if our arms at this distance cannot defend him from assassins, we confide the defence of a life so precious to all honorable men and true patriots, and to the Almighty Maker of men."

At a meeting in Worcester, Hon. Charles Allen, the eminent Judge, and formerly a Representative in Congress, said: —

"Now, Sir, we have met to express our warm feelings of indignation — at what? That Charles Sumner has been stricken down by the hand of a brutal ruffian? No, Sir: that is but a small portion of the question which is presented for our consideration at this time. Not by the hand of Brooks of South Carolina, alone, did he fall; but it was through a *concerted effort*, which has not been denied in the House of Representatives, although the question was evaded by Mr. Brooks, declaring that he had informed no one of the *time* when it should take place; but he did not deny — and it is well known in Washington, and will be throughout the country, that this attack upon Mr. Sumner — that this slaughter of Mr. Sumner, for such was the purpose — was concerted among Southern men, and that Brooks was but the base instrument by which the purpose was to be carried into effect. Sir, we must hold, not Mr. Brooks responsible alone, but all those who combined with him to do this foul deed, — all those — and you will find there will be hosts in another section of the country — who will applaud the act, and profess to honor the man who was put forward to perpetrate this deed. And, Sir, if we consider it merely as a combination of slaveholders against our Senator, and nothing more, we shall not reach the magnitude of the question open for our consideration. That blow was not meant for Mr. Sumner alone. It was meant for the *State* which he represented. It was the State of Massachusetts whose honor was outraged by that act. It was her majesty which was stricken down in the person of her Senator. It is her body that lies bleeding, and demands retribution at the hands of her children. Shall retribution not come? Shall there not be a voice from one end of Massachusetts to the other, calling aloud for retribution upon the perpetrator, and the aiders and abettors of that foul act? [*Loud cries of 'Yes,' and applause.*]"

The voice of the Young Men of Boston found utterance at a large and enthusiastic meeting of the Mercantile Library Association, held at their rooms, June 6, 1856, when the following preamble and resolutions were unanimously adopted.

"*Whereas* the Hon. Charles Sumner, Senator in Congress from this Commonwealth, and an honorary member of this Association, has been most brutally assaulted in his seat in Congress for words uttered in debate: Therefore

"*Resolved*, That it is with feelings of profound sorrow and shame that we are obliged to recognize in this act a *cowardly* and *base* assault upon the rights of free speech, and to regard this indignity, perpetrated upon the person of our honored and beloved Senator, as an insult to the city of Boston and its institutions, the State of Massachusetts, and our common country.

"*Resolved*, That the members of the Mercantile Library Association of Boston, without distinction of party, most respectfully tender to the Hon. Charles Sumner their kindest feelings of sympathy and esteem, and earnestly hope, that, by the blessing of Divine Providence, he may resume his seat in Congress, and reiterate those principles of humanity which every institution, whether political or literary, should most earnestly espouse.

"*Resolved*, That the Corresponding Secretary of this Association is hereby requested to furnish the Hon. Charles Sumner with an appropriate copy of these resolves."

The sentiments of the medical profession appear in a speech and toast by Dr. Oliver Wendell Holmes, at the dinner of the Massachusetts Medical Society, at the Revere House, Boston.

"Look into the chamber where our own fellow-citizen, struck down without warning by the hand of brutal violence, lies prostrate, and think what fearful issues hang on the skill or incompetence of those who have his precious life in charge. One little error, and the *ignis sacer*, the fiery plague of the wounded, spreads his angry blush over the surface, and fever and delirium are but the preludes of deadlier symptoms. One slight neglect, and the brain, oppressed with the products of disease, grows dreamy, and then drowsy, its fine energies are palsied, and too soon the heart that filled it with generous blood is still forever. It took but a little scratch from a glass, broken at his daughter's wedding, to snatch from life the great anatomist and surgeon, Spigelius, almost at the very age of him for whose recovery we look, not without anxious solicitude.

"At such a moment as this, more than at any other, we feel the dignity, the awful responsibility, of the healing art. Let but that life be sacrificed, and left unavenged, and the wounds of that defenceless head, like the foul witch's blow on her enchanted image, are repeated on the radiant forehead of Liberty herself, and flaw the golden circlet we had vainly written with the sacred name of Union!

"'Dî, prohibete minas! Dî, talem avertite casum!'

"I give you, Mr. President, —

"*The Surgeons of the City of Washington.* — God grant them wisdom! for they are dressing the wounds of a mighty empire, and of uncounted generations."

Hon. Josiah Quincy, in the eighty-fifth year of his age, addressed a letter to the Unitarian Festival, in which he said: —

"The hostile irruption of two members of Congress into the Senate Chamber of the United States, openly armed with deadly bludgeons, and probably secretly, according to the habits of their breed, with bowie-knives and revolvers, and there prostrating on the floor with their bludgeons a Senator of the United States, sitting peaceably in his seat, unconscious of danger, and from his position incapable of defence, inflicting upon him blows, until he sunk senseless under them, and which, if they do not prove mortal, it was not for want of malignant intent in the cowardly assassins, — and all this for words publicly spoken in the Senate, in the course of debate, allowed by its presiding officer to be spoken, *and exceeding not one hair's breadth any line of truth or duty:* this is the fifth, and the climax, of this series of outrages, unparalleled, nefarious, and brutal."

At an indignation meeting in the town of Quincy, this venerable citizen spoke as follows.

"The blow struck upon the head of Charles Sumner did not fall upon him alone. It was a blow purposely aimed at the North. It was a blow struck at the very Tree of Liberty. It speaks to us in words not to be mistaken. It says to us that Northern men shall not be heard in the halls of Congress, except at the peril of the bowie-knife, the bludgeon, and revolver. Nor is this any new thing.

"The bludgeon, heretofore only brandished, has at last been brought down; and now is the time for the North to fight. Charles Sumner needs not our sympathy: if he dies, his name will be immortal, — his name will be enrolled with the names of Warren, Sidney, and Russell; if he lives, he is destined to be the light of the nation."

Hon. Edward Everett, at Taunton, opened his "Address on the Character of Washington" by allusion to the assault.

"With the satisfaction which I feel in addressing you at the present time are mingled the profoundest anxiety and grief. An irrepressible sadness takes possession of my heart at the occurrences of the past week, and the most serious apprehensions force themselves upon me that events are already in train, with an impulse too mighty to be resisted, which will cause our beloved country to weep tears of blood through all her borders for generations to come. The civil war, — for such it is, — with its horrid train of pillage, fire, and slaughter, carried on, without the slightest provocation, against the infant settlements of our brethren on the frontier of the Union, — the worse than civil war which has for months raged unrebuked at the capital of the Union, and has at length, by an act of lawless violence, of which I know no parallel in the history of Constitutional Government, stained the floor of the Senate Chamber with the blood of an unarmed, defenceless man, and he a Senator of Massachusetts, — ah, my friends, these are events which, for the good name, the peace, the safety of the country, for the cause of free institutions throughout the world, it were worth all the gold of California to blot from the record of the past week. They sicken the heart of the good citizen, of the patriot, of the Christian; they awaken a gloomy doubt whether the sacrifices and the sufferings endured by our fathers, that they might found a purer, higher, and freer civilization on this Western Continent than the world had yet seen, have not been endured in vain."

William H. Hurlbut, of New York, the eminent journalist, wrote thus, under date of June 7, 1856.

"The newspapers, which have for so long kept the millions of the North as watchers about your bed, now gladden all our hearts with the news that you are soon to stand again upon that floor which promises to become as sacred in the annals of Freedom as is the arena of the Coliseum in the story of our faith. . . . .

"Nothing, I am sure, could so have touched and roused every class of Northern society, nothing could so have put the terrible realities of the issue we *must* confront before the most unwilling and the most indifferent minds, as the atrocious deed which, imbecile as it was atrocious, makes the firmest enemy of Slavery the perpetual representative alike of Northern honor and of Northern manhood, and enlists around you, as the perpetual Senator of Massachusetts, every instinct, passion, and necessity of Northern civilization.

"It is your rare good fortune to be able to wear the martyr's crown into the battle of life, and I really do not see how any true man can have any words for you but those of congratulation and of stern exultation. The scoundrelly simpleton who struck you fled from the recoil of his weapon; but there will be a fiercer recoil from that blow, and a flowing of blood not so easily to be stanched.

"I think, if you could have seen the meeting at the Tabernacle, you would have marked the 22d of May with white in your calendar: it is marked with *red* in the calendar of our country.

"I am going to England in a few weeks, but I hope, before I go, to hear that you are quite reëstablished in health, and once more face to face with the lions, — I beg the pardon of the forest-king, — with the tigers of the Senate House.

"In this season of our national degradation, it will be something, that, when Englishmen talk to me of their dead Miltons and Marvells and Hampdens and Sidneys, I can answer them with a living name, which, like these names, shall never cease to live."

Dr. John W. Francis, the eminent physician, of New York, wrote, under date of October 9, 1856: —

"I now write a line or two for the purpose of renewing to you the sentiments I cherish in your behalf, and my admiration of your noble patriotism and commanding eloquence. I had read carefully your classical speeches, and rejoiced that there was at least one in the Senate who to rich culture added the graces of finished oratory and the abiding principles of constitutional freedom. Yes, my dear Sir, I have been for several months, amidst many cares, absorbed on the consequences which I inferred must follow the brutal assault which you received. I almost at once exclaimed, That *blow* will effect a revolution in our political relationship; yet I pray God that the Union may continue intact under its momentous influences. You have, by your parliamentary demonstrations, evinced the heroism of the patriots of the earlier days of our Republic; you have stamped your Senatorial career with the impress of the loftiest intrepidity and moral courage. You are destined to occupy an ample page in your country's history. These expressions, dear Sir, flow from a full heart and a deep conviction."

Governor Banks, in his annual message to the Legislature of Massachusetts, January, 1858, associated the violence in Kansas with that upon Mr. Sumner.

"Nothing but the direct intervention of Federal influence can force

through Congress the Lecompton Constitution; and if the Government, with the sanction of the people, can force upon Kansas a Constitution conceived in fraud and violence, it will be the weightiest blow ever given against free governments.

"Violence and fraud, if successful in this instance, will be repeated whenever occasion demands it. It will not be limited to Territories or States. No shrine will be held sacred. The Senate Chamber of the United States has been already invaded, and this State was for a time bereft of a part of its representative power by an act of fearful wrong, committed upon the most cherished and brilliant of her sons, while in the performance of constitutional duty."

The following extract from a poem by Mrs. Julia Ward Howe appeared in the *New York Tribune* at the time.

"A WOMAN'S WORD FOR THE HOUR.

"While she yet spake, from the heaven God's thunder had fallen,
And I heard: 'The crime, not the paltry offender, so stirs us.'
Take heart, thou lone one! a champion leaps to defend thee,
Armed with the loftier issue, the art and the moral, —
Eloquent lips, and the integral heart of Conviction,
Powerful still when the arm of the spoiler has crumbled, —
Doctrine of Right, and the Old-World tradition of Freedom, —
Doctrine of Justice, thank God, no New-England invention, —
Known to the ancients, known to the gods and their poets,
Known to great Tully, whose pillars of perfect marble
Stand in the temple of Truth, his remembrance for ages.
There shall thy record be, Knight of the wronged and the helpless!
There shall thy weapon be kept, with the motto, 'I hurled it.'
How hast thou hardened the living heart and quick feelings
To stand up and speak the great spirit-dividing sentence, —
To stand, a mark for the thief and assassin to aim at!
More than our envy, more than thy hope, was thy guerdon,
Setting the seal of thy blood to the word of thy courage!
If but the pure of heart in a pure cause should suffer,
SUMNER, the task thou hast chosen was thine for its fitness.
Never was paschal victim more stainlessly offered, —
Never on milder brow gleamed the crown of the martyr.

"Stand thence, a mark for the better and nobler ambition!
For they are holy, the wounds that the Southerner dealt thee:
Count them blessed, and blessed the mother that bore thee.

"Would that the thing I best love, ay, the son of my bosom,
Suffering beside thee, had shared the high deed and its glory!
Shall we bend over those wounds with our tears and our balsams, —
Tears warm with rapture, balsams of costliest clearness?
Take thy deserving, then; wear it for life on thy forehead!
Crowned with those scars, shalt thou enter the just man's heaven, —
Crowned with those scars, shalt thou stand in the record of heroes!

"If earthly counsel were vain, should the heavens befriend thee!
Sinking Orion, flung far in the wrath of the tyrant,
Calls not in vain on the dumb heart of Nature to help him:
Lo! the deep comes to his aid, and its monsters upbear him;
Hesper stoops over the Ocean her long shining tresses,
Till he is drawn by them up to the zone of her beauty,
And, like fair sisters, the stars close around him forever!"

The wide-spread, spontaneous sentiment of the North found echo in Europe, especially in England. Among various testimonies, the following is selected from the *Morning Star* of London, June 24, 1856.

"The assault upon Mr. Sumner stands without parallel in the annals of civilized communities. While sitting at his desk in the Senate Chamber, quietly engaged in writing, a member of the other legislative body, the House of Representatives, deliberately walks up to him, and, taking advantage of his utterly helpless position, where he could neither escape nor defend himself, begins to beat him violently upon his bare head with a heavy cane, until he falls down stunned and insensible, covered with his own blood, the cowardly ruffian not desisting even then, when the form of his antagonist lay prostrate and senseless before him. While this is taking place, a number of his brother Senators stand round and make no attempt to stay the arm of the assailant; some of them, indeed, mounted guard expressly to prevent interference. Such conduct is utterly inexplicable to us in this country.

. . . . . .

"If anything could aggravate the inherent brutality of this act, it is the character of the man upon whom it was committed. For Mr. Sumner is a gentleman in whom there meets a combination of qualities adapted in a rare degree to inspire the affectionate attachment of friends, and to command courtesy and respect from all generous and honorable opponents: a man of a chivalrous and heroic spirit, of a refined and sensitive nature, of a powerful and cultivated intellect dis-

ciplined by hard study and adorned with profound and various learning, who has led a life of irreproachable purity and active benevolence, — the favorite pupil of Story, the intimate friend and disciple of Channing, the chosen associate of the finest living minds of America, Quincy, Sparks, Longfellow, Goodrich, Dana, Everett, Bryant, Emerson.

. . . . . .

"And when the greatest of American orators and statesmen, Daniel Webster, was stricken down by the hand of death, Mr. Sumner was the man whom the State of Massachusetts chose from among her sons, as most worthy to be his successor. And most nobly has he vindicated the wisdom of their choice. Taking small interest in the ordinary conflicts of parties, he has stood forth, from the moment that he entered the Senate, as the courageous and resolute champion of the slave. His speeches are elaborate and masterly orations, with perhaps almost too much of classical stateliness and refinement for the tribune. Over the hard and dry abstraction of politics he throws the glancing lights of his fertile and polished fancy, and relieves the tedium of debate by the rich stores of an elegant and varied erudition. The speech that brought upon him the recent attack was perhaps the greatest of all his efforts. It is in every respect a magnificent production. With a lofty and relentless logic he tears away the covering veil of sophistry with which the Southern members had sought to conceal the naked iniquity of the transactions in Kansas. There are, no doubt, passages of terrible severity, but not, we think, exceeding the license of parliamentary debate among ourselves. And the most conclusive testimony to the power of the orator is afforded by the desperate extremities to which it reduced his discomfited foes.

"We have no words of commiseration to offer to Mr. Sumner. God grant only that a life so valuable may be spared, and he will occupy in the estimation of all men, at home and abroad, whose judgment he would value, a prouder position than he ever occupied before. He stood in the vanguard of Freedom, and the marks of the ruffianly outrage inflicted upon him, which he will probably bear to the grave, he will wear as more honorable scars than ever warrior brought from a battle-field."

This record of opinion at the North, echoed from Europe, may be closed by words from an important journal at New York, *The Courier and Enquirer*, in the summer of 1856.

"The fact is incontestable, that, when the Massachusetts Senator again crosses the threshold of that Senate Chamber, Slavery will have

to confront the most formidable foe it ever had to face before the public eye. He will come with every muscle braced and every sinew strung by the sense of measureless personal wrong; but infinitely more than that, he will come armed with the indignation and shielded by the moral support of the whole North. Hitherto he has figured but in one character, the assailant of Slavery; henceforth he will be also the accredited assertor and champion of the most sacred right of freedom of speech, and as such will command tenfold greater consideration. His antagonists have affected to despise him before, and to treat him with scorn. The day for that has passed. The public man, who has once been the occasion of such an outburst of sympathy and good-will as has within the last week sprung from the mouth of millions upon millions of his countrymen, is no longer a man to be disdained. He has henceforth position, power, and security, beyond any of his adversaries. Let his sentiments be what they may, his free utterance of them hereafter becomes an assured thing, insomuch as that utterance will serve as the best of all possible tests of that freedom of debate which has once been outraged in his person, and which it is the present determination of the North shall be maintained at all hazards."

V.

INJURIES AND CONTINUED DISABILITY OF MR. SUMNER.

Senator Butler, in reply to Mr. Sumner, June 12, 1856, remarked on his absence from his seat as follows.

"If I give credence to the testimony of Dr. Boyle, I see no reason why he should not be present. For anything that appears in that testimony, if he had been an officer of the Army, and had not appeared the next day on the battle-field, he would have deserved to be cashiered." [1]

This fling was so agreeable to the Senator that he repeated it, with a variation, on the second day of his speech.

"After all that has been said and done, on a *post bellum* examination, what is it? A fight in the Senate Chamber, resulting in two flesh wounds, which ought not to have detained him from the Senate.

[1] Congressional Globe, 34th Cong. 1st Sess., Appendix, p. 625, June 12, 1856.

Being rather a handsome man, perhaps he would not like to expose himself by making his appearance for some time; but if he had been in the Army, there was no reason why he should not go to the field the next day; and he would deserve to be cashiered, if he did not go."[1]

After such remarks in open Senate, it was easy for the press in sympathy with Slavery to assert that Mr. Sumner had received no injury, and that his reported disability was a pretence for the benefit of his political party.

At the time of the assault Mr. Sumner was in perfect health, without any weakness or disturbing incident. Having confidence in the native force of his constitution, he looked forward to a very early restoration, thinking that the injuries he had received would yield easily to Nature. His disappointment affords another instance of the extent to which patients are deceived with regard to their true condition, which in his case was revealed tardily. He had hoped to resume his seat in a few days. Months and years passed, leaving him an invalid.

On the healing of the flesh wounds, he found himself still a sufferer from a pressure on the brain, with weakness in the spinal column. The latter became more positive with time. First a guest of F. P. Blair, Esq., at Silver Spring, near Washington, he was able early in July to reach Philadelphia, where he found rest at the house of Rev. William H. Furness. Here he came under the medical care of Dr. Caspar Wister. From Philadelphia he went to Cape May, where he was welcomed by the family of James T. Furness, Esq., at their cottage. Here he was very feeble, so that his kind hosts were alarmed with regard to him. From Cape May he went to Cresson, an elevated place in Pennsylvania, where he stayed with Dr. R. M. Jackson. Once more in Philadelphia at the beginning of September, he was welcomed by his hosts of Cape May, with whom he remained until his return to Boston at the beginning of November. This return was postponed by the advice of his physician, who was unwilling that he should expose himself to the excitement of such an event.

In Boston he was treated by Dr. Marshall S. Perry, in consultation with the venerable physician, Dr. James Jackson. Here

[1] Congressional Globe, 34th Cong. 1st Sess., Appendix, p. 633, June 13, 1856.

he remained several months, most of the time in the house, on his bed. He did not reach Washington until just before the close of the session of Congress, but in season to determine by his vote the fate of the tariff of 1857.[1] On the 4th of March he was sworn as Senator for the second term, and on the 7th of March sailed for Havre in the Steamer Fulton. Still confident in his recuperative force, and underrating his injuries, his object was simply rest and recreation, rather than medical treatment. After some time in Paris, he travelled in France, Switzerland, England, and Scotland, including a stay in London. While in Edinburgh he became acquainted with George Combe, the eminent phrenologist and physiologist, who, taking a strong interest in his case, wrote to Sir James Clark, the Queen's physician, for his opinion upon it. The two united in advising against an early return to public duties; but Mr. Sumner felt constrained to try himself at Washington. Accordingly he resumed his seat at the beginning of the session, in December, 1857, only to find himself within the circumscriptions of an invalid. Without pretending to take part in business, he sought to be at hand to vote on important questions. At last he was admonished by a succession of relapses that he must make a more serious effort for recovery. On the 22d May, 1858, just two years from his original injuries, he sailed in the steamer Vanderbilt for Havre. His first purpose was to visit Switzerland, and there commence pedestrian exercise in the open air, beginning with a short distance and extending it daily, as the athlete, beginning with the calf, at last carried the ox; but this idea proceeded on a radical misconception of his case, which required repose rather than exercise. A medical friend to whom he communicated this plan warned him against it, saying, curtly, "Then you 'll be a dead man!"

At Paris he first enjoyed the advice of Dr. George Hayward, the eminent surgeon of Boston, but soon afterward came under the care of that remarkable physiologist and specialist, Dr. Brown-Séquard, who, after a most careful diagnosis, reported that the blows on the head had taken effect, by *contre-coups*, in the spine, producing disturbance in the spinal cord. To Mr. Sumner's instant inquiry as to the remedy, the Doctor replied, "Fire." The

[1] Congressional Globe, 34th Cong. 3d Sess., Appendix, p. 356, February 26, 1857.

resolution of the former was taken at once, and he asked, "When can you apply it?" "To-morrow, if you please," said the Doctor. "Why not this afternoon?" said the patient; and that afternoon it was done by the *moxa*, which was followed by other applications, being seven in number, always without chloroform, which Mr. Sumner declined to take. This was in June. During this painful treatment he found solace in the study of engravings, to which he devoted himself, according to the limitations of his health, with daily assiduity.

Some time in August he left Paris for the baths of Aix, in Savoy, famous from antiquity, where he underwent still another treatment by hot and cold *douches*. Then traversing Switzerland, he entered Germany by Venice and Trieste, visiting Vienna, Berlin, and Munich. Reaching Paris in November, he was arrested in his proposed return to the Senate by a medical conference, in which Dr. Brown-Séquard, Dr. George Hayward, and the eminent French practitioner, Dr. Trousseau, took part, all uniting against it. Leaving the excitements of Paris, he passed the ensuing winter at Montpellier, in the South of France. Here he led a retired life, being cupped on the spine daily, and passing as many as eighteen hours out of the twenty-four on the bed or sofa, finding recreation in reading, and, so far as he could, in the public lectures at the college on history and literature. Taking advantage of his improved condition in the spring, he made a hurried visit to Italy, and then reported himself to Dr. Brown-Séquard at Paris, who pronounced him well. To the various treatments already mentioned he added sea-baths at Havre during the following August. At the opening of Congress in December, 1859, he was in his seat, with a certain consciousness of restored health, although admonished to enter upon work slowly.

Contemporary reports in newspapers and letters illustrate the condition of Mr. Sumner at the time, and something of his frame of mind.

A correspondent of the Boston *Telegraph and Chronicle*, under date of February 20, 1857, shows his occupations at the time he was struck down.

"It was my good fortune to be a frequent caller upon Mr. Sumner during his residence here. I always found him studiously devoted

to the duties of his office. He was one of the most active, hard-working men in Congress. Down to the 22d day of May, 1856, when he was so brutally assailed by the agent of the Slave Oligarchy, he had never been out of his seat a single day. It was in this spirit of fidelity that he always discharged his duties. If I may be pardoned in the exhibition of a little selfishness, I will acknowledge that it was in part the discovery of the fact that Mr. Sumner kept a better run of all the public business before Congress than most other members, that induced me, as a member of the press, to make more frequent calls upon him than perhaps I should otherwise have done. He was particularly well posted on all questions of foreign affairs, from the reception of Kossuth down to the important part that he took in the Sound Dues of Denmark; he was always enlightened on all propositions of general legislation, touching the judiciary, commerce, patents, the tariff, and everything concerning the great interests of Massachusetts.

"At the time he was disabled, the Journal of the Senate will show a large number of special propositions introduced by him, among which was the proposition he has brought forward annually for the revision and consolidation of the Statutes of the United States, which must yet prevail; also for cheap ocean postage, another annual proposition; also for post-office orders, as a mode of transfer of money in small sums for the accommodation of the poor, — an idea recently adopted by the House Committee on Post-Offices and Post-Roads; several propositions of amendment of Patent Law, particularly one to take off the heavy fees on foreign patents, in order to pave the way for a similar reduction abroad; a bill altering the Commercial Law, so as to relieve shipowners of liability in the case of fire under certain circumstances; a bill amending the Law of Copyright; a bill providing for the regulation of passengers coming into the United States; also a whole group of bills for the improvement of the rivers and harbors of Massachusetts, for the building of a Court-House and Post-Office at Boston, &c., &c.

"None, except those who have had experience in Washington, and have had an inside view of the practical life of a Congressman, can form a correct idea of the vast amount of labor performed by them which does not appear before the public. Mr. Sumner's correspondence was one of the largest in the Senate, — not confined to Massachusetts, but coming from every part of the country. He neglected nothing."

While Mr. Sumner was at Cresson, Mrs. Swisshelm, who saw him there, wrote a long letter on his condition, addressed to the

New York Tribune, under date of August 23, 1856, which contained the following.

"He has all the impatience of ordinary men in illness, or in the prospect of restraint, and assures everybody that he is doing very well, feels very well, is quite strong, and will surely be able to go to Washington in two weeks. Mr. Burlingame assures me, with tears in his eyes, that this is what he always said. Ever since his injury he has been going to be quite well in two weeks; but when he rises from his chair, he takes hold of the table. His gait, at a first glance, appears that of a man of ninety years of age; but, watching him awhile, I felt that it was the very kind of step one takes when creeping through a darkened chamber under the influence of a paroxysm of nervous headache; but he says, with a kind of lofty, incredulous scorn, that his head does not ache! Sometimes he feels a *pressure* on the top of his head, and it appears to hurt him when he walks; but he will be ready to go to Washington in two weeks.

. . . . .

"Mr. Burlingame came on Friday evening, about six o'clock, in company with a gentleman and lady from Philadelphia. He had not before seen Mr. Sumner since the Brooks challenge, and we all sat together until after eleven o'clock, — there was so much to be told, and said, and explained. Without any personal resemblance, these two appeared together like father and son; but I could give no idea of their interview, even so much of it as the sacredness of private conversation would permit to be made public, in less than a column, and Mr. Sumner crowds everything from my thoughts just now. When his friends left, he had no disposition to retire, and when he did, slept but one hour.

. . . . .

"Those mistaken friends of his who would fain see Brooks killed or maimed would greatly distress him, if any such killing or maiming were done by their agency. He shudders at the thought that Burlingame might have shot him, and appears to feel about as much resentment against him as I should feel toward a tile which had fallen upon my head. I could not discern the slightest symptom of chagrin or mortification, — no sense of the dishonor which so many attach to the blow unrevenged.

"I asked him if he would have defended himself, if it had been possible?

"'Most certainly,' was the prompt reply, 'to the best of my ability, and the last extremity.'

"To Dr. Jackson's suggestion, that the same principle which permitted him to defend himself, when attacked, should induce him to punish the offence, he promptly explained the difference between self-defence and revenge. He appears to have no idea, however remote, of personal enmity in the matter, — but if he was only able to deliver one more speech! His brain is throbbing with pent thunderbolts, — and if he could only get into the citadel of his foes, and hurl them hissing into their faces! Kansas, Kansas and her wrongs, if he could but fight her battles! He does not appear as if he knew how to be afraid, or could learn, if he tried for a lifetime. There is a lion look about him, and a courage which could not stoop to assault so frail a thing as a human body."

A correspondent of the *Springfield Republican*, after describing a visit to Mr. Sumner, reports, under date of February 8, 1857: —

"I ventured after a time to speak to him of the outrage from whose effects came this sad weakness, and to express a wonder which I have always felt that serious commotions did not follow it. 'Oh, no,' he said. 'It was little, in comparison with daily occurrences. The poorest slave is in danger of worse outrages every moment of his life.'"

A correspondent of the *Boston Traveller* reports, under date of February 20, 1858: —

"Much interest is felt, I find, among our friends in Massachusetts and elsewhere, to know the nature of Mr. Sumner's feelings toward the person who inflicted upon him so great a calamity, taking from him nearly two years of active life, and putting in jeopardy both his life and reason. Sharing this feeling, I have endeavored to learn the Senator's sentiments on the subject. Yet I have never heard him utter one word from which I could even found a conjecture of them, though the matter has been referred to by myself, and by others in my hearing, in the course of conversation. Moreover, I have heard his private secretary, who was his nurse and watcher during the long, sultry days and nights of his illness in Washington, remark that he had never heard the Senator speak of the assault or the assailant, or in any way express any feeling on the subject. But I presume, however, that the feelings of Mr. Sumner are justly excited against the cruel Slave Power, which originally instigated and has since sanctioned the assault."

Mr. Sumner was constantly wrestling with his disability, and impatient under the necessary constraint. He longed to be at work. Here friends exerted an adverse pressure.

Wendell Phillips wrote from Nahant, under date of July 13, 1856: —

"The rumor is, on all sides, that you purpose returning as soon as possible to your seat. Allow me, as a most near friend, careful alike of you and the cause, to urge you not to attempt taking your seat again this session. No such step is necessary. Every one here recognizes most fully and heartily your fearless devotion. Every one is more than ready, anxious, to wait till confirmed health and strength make it, not an effort, but a pleasure, for you to return to your place. The only fear is lest you be tempted to hurry back before your strength is fully restored. Nothing you can do will shut the mouths of journals whose trade is lying and abuse. It is fair to say, and a hopeful sign of the times also, that these cavils fall to the ground utterly ineffectual and harmless. At least their only result is indignation. Let this session go by. Be sure Massachusetts will give you six more years to work in. You have done more than your share in this session's fight, — enough to satisfy the most impatient spirit. Come home and rest. Come home to recruit for years and a crisis when we shall need you even more than now, — when your voice will be worth more, far more, than even now. The most ardent wish of all who love you is that you *consider yourself:* in so doing *now* you best serve the cause."

Hon. Schuyler Colfax wrote from Washington, under date of July 21, 1856: —

"We miss you here very much, and, as I pass your recent lodgings, I often regret that I cannot run up and bore you with a few minutes' talk; but I think, and such is the general feeling of all your friends, that you ought not to think of resuming your seat this session. The weather and the excitement will both be against you, if you do.

"Besides, next December you can resume that expressively vacant seat with the proud consciousness that the wand of the Oligarchy is broken, — or, if a different fortune is reserved for us, which I pray God to avert, to head the forlorn hope which is then to battle for the Right against the Furies which the triumph of the Wrong will let loose on us all. But you know best, and I will not presume to advise.

"I was glad to hear the report of your Philadelphia physician, which relieved the forebodings which I fear were preying on you; and it confirms what an eminent physician wrote me, that the action of the absorbent vessels would relieve you slowly, if you would abstain from all excitement and give them the opportunity."

Rev. William H. Furness, of Philadelphia, wrote, under date of August 15, 1856: —

"Dr. Wister says, 'For God's sake don't let Mr. Sumner think of leaving the mountains till the 1st or 15th of September.' I find that yesterday, when we were jogging down the gorge, it was oppressively hot here, and only last night came there a slight change. Dr. Wister is most *positive* and *earnest* in his *opinion* that you should *remain* where you are. You will lose everything, if you quit that invigorating mountain air, and run the hazard of being an invalid for months to come. 'It would be the extreme of folly,' he says, 'to turn your back upon your present place.'"

The venerable Josiah Quincy wrote from Quincy, under date of August 22, 1856: —

"I entreat you, my dear friend, not to think or act on public affairs until your health is *firmly* restored. You have time enough before you to perfect your duty to your country, which you have already so gloriously commenced. History will avenge you on your adversary, which not all the votes of all the slave-holders between the tropics can save from an infamy as lasting as the history of our country.

"God bless you, and preserve you, and soon restore you to health, to your friends, and your country!"

Wendell Phillips, under date of August 23, 1856, renewed his appeal: —

"I have talked with men of all parties, (on *your* case there is but *one* party worth naming,) and without a dissentient voice they deplore your anxiety to return this session to Washington. No man but urges me to write and make you *feel* that you have struck *the* blow already, and that now our interests and that of the cause, as well as your own, and our hearts, too, demand of you to 'stand and wait.' I know you can make speeches worth dying for; but let me tell you, just now to the nation's heart your empty chair can make a more fervent appeal than even you. The canvass goes well, the 'idea' grows. We thank God that he has given us such texts: now make our gratitude unalloyed by building up your strength in silence and quiet for that fiercer struggle yet which lies before us all.

"I conjure you, as you love Freedom, save yourself: we need you more in the future than now. You are not the best judge."

Hon. William H. Seward wrote from Auburn, under date of September 24, 1856: —

"I wish that I could convince you that it is neither necessary for the public nor would it be useful in any way to yourself to speak in this canvass, even if you should find yourself able. It belongs to others to do that work. You have suffered enough, even if you had done nothing; and yet what you have suffered is only a consequence of having done more than any other.

. . . . . .

"I believe with you that we shall succeed in this election, and I earnestly hope for it. It is time that Freedom should have a decided triumph in order to commend itself to a vacillating people."

By such letters was Mr. Sumner somewhat soothed in the seclusion which had become a necessity.

The same spirit animated his friends to the end, following him to Europe, and watching with sympathy the severe medical treatment adopted. Without their countenance he would not have ventured to remain so long absent from his duties. He would have resigned, or have resumed them at any hazard.

In one of his letters, received in Europe, Mr. Chase wrote as follows, under date of June 16, 1858.

"We learn from the newspapers that you have submitted yourself to a most trying operation, and that the physicians give good hope of most beneficial results. Most earnestly do I hope, in common with many thousand friends of human liberty and progress, that their best anticipations may be fully realized. I am anxious to hear your voice once more in the Senate, *mirum spargens sonum*. I want to see the Oligarchs and Serviles once more cowering under your rebukes of despotism and servility.

"It is amazing to see to what depths of baseness some of the partisan presses in the interest of the Oligarchy will descend. Not content with half vindications of the assassination attempted upon you, several have had the infinite meanness to represent you as playing a part all the while you have been suffering from the effects of the assault. When will men learn decency?

"Oh, if you shall be only able to take your seat again next winter in your full vigor! There is no one who hates the wrong of Slavery in its principle as you do: I should except Durkee."

Mr. Wilson wrote as follows, under date of October 19, 1858.

"We are all anxious about you. Get well, if possible, and do not trouble yourself about your duties as a Senator. Do not attempt to take your seat, unless your health will allow you to do it. The session

will be a short one, and we can get on without you. Take time, if you require it, and let the next session go. Our friends will stand by you, if you do not feel able to take your seat next session. I feel confident that our friends desire above all things that you shall be able to keep your seat, and they will be pleased to have you adopt the course most conducive to the recovery of your health. If your health will be improved by continuing in Europe for months longer, pray take the time. This is my advice to you. I hope, however, you will be able to return to your home and your seat this winter, with health and vigor, able to engage once more in the battles for the great cause for which you have suffered so much and so long."

Sustained by this testimony, and that of other friends, Mr. Sumner submitted to the medical advice which postponed return to his public duties.

The authentic diagnosis of the case in its early stages is here preserved.

"CASE OF HON. CHARLES SUMNER.[1]

"Read before the Boston Society for Medical Improvement, December 15, 1856.

"By Marshall S. Perry, M. D., of Boston.

"The assault was made upon Mr. Sumner in the Senate of the United States, on Thursday, May 22d. The first blow produced insensibility. It is not certain how many blows he received: they were many. He bled profusely, and fell insensible on the floor. When he was removed to the anteroom, it was thought he could not survive. His wounds were dressed by Dr. Boyle. He had two gashes on the back of the head, one above each ear, about two or two and a half inches in length. These gashes went through the scalp to the bone, which was laid bare, but it is supposed not fractured. Besides these, he had bruises on the face, on the back of each hand, and on the arms.

"From the time of the attack until the Monday following, no serious symptoms manifested themselves, except some pain and soreness in the head, and nervousness. Tuesday morning he had more pain, and in the afternoon he was quite feverish. During the night the pain became very violent, and when I saw him, early on Wednesday, for the first time professionally, he had a high fever, pulse 104, intense pain in the head, eyes suffused, and extreme nervousness. The scalp above the right ear was inflamed, having the appearance of erysipelas. This

[1] Boston Medical and Surgical Journal, Vol. LV. pp. 417–421, December 25, 1856.

inflammation extended to the glands of the neck, which were swollen and tender to the touch. On examination, it was found that pus had formed under the scalp, which escaped readily on opening the wound, which had been closed over with collodion by Dr. Boyle. Mr. Sumner had suffered so much during the last ten hours, that he had become very much exhausted. He was put under the influence of opium, the wound was poulticed, and perfect rest enjoined. For three days he was in a critical situation. The local inflammation, the danger of poison from the absorption of pus, and the extreme nervous exhaustion made it a formidable case. At the end, however, of this time, he appeared to be out of immediate danger.

"The wound on the left side of the head healed by first intention. It was several weeks before that on the right side closed over. During this time he was very weak, had some fever, especially when excited, and was confined mostly to his bed. He did not at that time complain of much pain in his head, but, as the wound healed after several weeks, he had neuralgic pain in the back of the head, coming on in paroxysms. As these passed away, he had a feeling of oppressive weight or pressure of the brain, which was increased when excited or engaged in conversation. He described it as "a fifty-six pounds weight" upon his head. At the same time he lost flesh and strength, his appetite was irregular, and his nights wakeful, — sometimes lying awake all night, or, when sleeping, disturbed. He had also increased sensibility of the spinal cord, and a sense of weakness in the small of the back. These were developed by walking, and every step he took seemed to produce a shock upon the brain. His walk was irregular and uncertain, and after slight efforts he would lose almost entire control of the lower extremities.

"In this condition he was advised by Dr. Lindsly, of Washington, to remove from that place to some more quiet spot. He accordingly came to Philadelphia, and there called upon Dr. Wister for advice. Mountain air and complete seclusion were recommended; but Mr. Sumner undertook first to try the sea air, and went to Cape May. Here he was very weak, so that he was unable to bathe, and he finally left without any sensible improvement. On the recommendation of Dr. Wister, he went to Cresson, in the Alleghany Mountains. While there he was in the family of Dr. R. M. Jackson, and under his medical direction.

The following letters, received from Drs. Wister and Jackson, describe Mr. Sumner's condition while under their care.

"'PHILADELPHIA, Oct. 14, 1856.

"'DR. M. S. PERRY: —

"'DEAR SIR, — It gives me much pleasure to reply to your note of inquiry concerning the health of Mr. Sumner.

"'You are perfectly aware of the condition of Mr. Sumner when he reached this city on the 9th of July, — a condition of extreme nervous exhaustion, his circulation feeble, and in fact every vital power alarmingly sunken. At that time his steps were feeble and tottering, as in extreme old age; he complained of constant pain in the back and lower extremities, — in the latter it was a tired and weary sensation; and he had a sense of constriction and pressure about the head. At that time his pulse was quick and small, appetite languid, and his sleep broken, disturbed, and unrefreshing. All the above conditions were heightened by exertion, either mental or physical. I could find no evidence of organic disease. I understood Mr. Sumner to be in that state of extreme nervous exhaustion from which men are months, and at times even years, in being fully restored.

"'Mr. Sumner has done eminently well. His present state is but a shadow of that above described; and although none of the features of the past are lost, they are only evident when imprudent exertion, mental or physical, shall call them up. Within the limits of exertion of an ordinary retired gentleman, Mr. Sumner improves daily, and all his powers improve, with a steady progress towards perfect health. Indiscretion brings on morbid wakefulness, and, in the recurring outline of his former condition, admonishes him, that, though recovering, he is still in risk.

"'With much respect, truly yours,

"'CASPAR WISTER.'

"LETTER FROM DR. JACKSON.[1]

"'You ask for a brief report of the case of the Hon. Charles Sumner, as it came under my observation during his visit and stay on the Alleghany Mountain in Pennsylvania. Mr. Sumner came to Cresson on the 3d of August last. On his arrival, he had the appearance of a man who had been sick for a long time, and was still extremely unwell. Careful observations and examinations of the case, for some time, revealed the following appearances and symptoms.

"'The lips were pale, showing a watery condition of the blood, evinced also by general pallor of the countenance and flabbiness of the solids. The action of the heart and arteries was weak, the pulse being slow and languid. On the surface of the head the integuments showed a slight redness around the cicatrices of the recently healed cuts, — also some morbid sensibility on pressure. Efforts at walking gave a tottering and uncertain gait, as if from partial paralysis (say threatened paraplegia), — the steps being short and unsteady, the muscles evidently not under the complete control of the will, the limbs even giving way partially. The slightest exertion was followed by lassitude quite disproportioned to the efforts. His nights were frequently passed in a state of morbid wakefulness and general uneasiness. The action of the brain was always followed by a sense of weight and dull throbbing pain in the head. This result invariably followed even the slightest mental effort of writing a common letter of business.

[1] This letter was addressed to Hon. H. Wilson.

"'The entire chain of symptoms soon pointed to the head and spine as the seat of a highly morbid condition. The contents of the other cavities of the body seemed normal. As no regular medical report had been given me of the case before its arrival at the Mountain, its original condition after the assault had to be inferred from present inspection, without the history of its progress. From this it was clearly evident that the brain and spinal cord had been the seat of a grave and formidable lesion. As the first violent symptoms had passed off, the consequences of which, veiled and obscure, were the only evidence by which the case could be read, it was clearly apparent that its present pathological condition was of a most serious character, and had been preceded by impending danger to life. From all the facts it was evident that from the blows upon the skull there must have been either congestion, or concussion followed by congestion, or positive inflammation of the brain or its investing membranes, in this case. Actual fracture is not at all necessary to this result. In Hope's Pathological Anatomy we have the following statement: "In several cases of fracture of the skull, and in some of injury of the scalp alone (!), I have found pus, either liquid or of a pasty consistence, between the bone and the dura mater, and adhering to both." Thus inflammation and its products on the interior of the skull proceed from "*injuries of the scalp alone.*" The injury occurring in a subject of a highly impressible and delicate nervous temperament, at a time in which the central organ of the nervous system was exhausted by excessive mental tension for days and nights of severe effort, carried with it impending destruction. The insidious danger of the first injury was *now* only to be estimated by its threatening consequences at the stage of progress of the case when it arrived at the Mountain. All too plainly marked by fearful features the true character of the effects of the assault in the Senate, and plainly showed their fatal tendencies in the condition of the man. At this stage of the case, whatever might have been or might now be the condition of the suffering internal organs, debility and exhaustion of life was manifestly the clearest phenomenon visible.

"'This was accompanied with an interrupted action of the muscles of voluntary motion, great weakness of the loins, inability to protract beyond a few minutes any mental effort without pain, weight and uneasiness in the head, together with soreness in the region of the cervical vertebræ; all of which symptoms, taken together, demonstrate a case ravaged by severe disease in the great nervous centre, and showing in that region still a highly pathological condition of parts. All the symptoms being of a depressed order, exhaustion and weakness predominating in all the functions, the clear indication in the case was to reënergize the man in every way and by every influence. This, it seemed, would be most effectually secured by a judicious diet, mild tonic agents, constant exercise in the open air on horseback or in a carriage, and by cessation of all active efforts of the diseased parts, and a gradual stringing up and intonation of the whole body under the influence of mountain air, mountain water, and change of climate. Within five weeks, the effects of this treatment were marked and clearly visible to

all. So emphatic were they in the consciousness of Mr. Sumner, that he could not be persuaded he was still an invalid, and not almost well and ready for the field of active operations. He left the Mountain prematurely, before he was hardened and his body restored to its normal tone. This was done contrary to my urgent advice and entreaties. It was clearly apparent, that, with one more month of the bracing influences of the Mountain, he would have been much better than at present, and the perfect final restoration of the Senator's health greatly facilitated.

"'Yours truly,

"'R. M. JACKSON.

"'CRESSON, Nov. 12, 1856.'

"Since Mr. Sumner's return to Boston, he has been gradually improving. He has followed a rigid system of exercise in the open air, and carefully avoided all intellectual excitement. The pressure in his head, or sensation of weight, which formerly came on after the slightest mental or physical exertion, and which was very oppressive, is now felt only after great fatigue, or considerable effort of the mind. He still complains, after sitting up for a long time, of pain in his back; and when he rises from his bed or chair, he finds at first some difficulty in using the muscles of the lower extremities, but after walking a short time they become quite flexible and under the complete control of the will. His appetite is good, he sleeps much better than he did, and is gaining flesh and strength. I see no reason why he may not entirely recover, unless he allows himself too soon to enter upon his Senatorial duties. He has already assumed the external appearance of health. Time and mental repose will do the rest.

"I think it is impossible to decide with absolute certainty what the pathological condition of Mr. Sumner's brain has been; but I am inclined to the opinion of Dr. Jackson, 'that the brain, as well as the spinal cord, has been the seat of some serious lesion.' The long continued sense of weight in his head, the pain along the spine, the partial loss of power in the lower extremities, the loss of flesh during the first three months after the attack, and the wakefulness, without any affection of the mind, would lead, I think, to this conclusion. Had the patient died, a *post-mortem* examination would have determined conclusively the character of the injury; but we can only make an approximation to a true appreciation of the case by a cautious interpretation of the symptoms."

This diagnosis does not extend beyond December, 1856. Subsequent newspapers contain notices of the case. The diagnosis, at a later day, by Dr. Brown-Séquard, has never been published.

"WHATEVER MASSACHUSETTS CAN GIVE, LET IT ALL GO TO SUFFERING KANSAS."

TELEGRAPHIC DESPATCH TO BOSTON, JUNE 6, 1856.

ON the 3d of June, 1856, a resolution for the relief of Kansas failed in the Massachusetts Legislature, mainly, it was alleged, through the hostility of Governor Gardner. On the next day a message from the Governor was received by the Legislature, recommending the payment of the expense of the illness of Mr. Sumner. This was followed in the Senate by a resolution to the same effect. On learning these proceedings, Mr. Sumner dictated the following telegraphic despatch, which was signed by his immediate representative in Congress.

WASHINGTON, June 6, 1856.

MR. SUMNER has just learned the recommendation of Governor Gardner that the Commonwealth should assume the expense of his illness. He desires me to telegraph at once his hope that the recommendation will not be pressed. In no event can he accept the allowance proposed, and Mr. Sumner adds, "Whatever Massachusetts can give, let it all go to suffering Kansas."

ANSON BURLINGAME.

REFUSAL TO RECEIVE TESTIMONIAL
IN APPROBATION OF KANSAS SPEECH.

LETTER TO A COMMITTEE IN BOSTON, JUNE 13, 1856.

IMMEDIATELY after the assault on Mr. Sumner a subscription was started for a testimonial to him. The terms of the paper were as follows.

"Being desirous of expressing to the Hon. Charles Sumner, in some permanent and appropriate form, our admiration of his spotless public and private character, of our lively gratitude for his dauntless courage in the defence of Freedom on the floor of Congress, and especially our unqualified approbation of his speech in behalf of Free Kansas, delivered in the Senate on the 20th of May last, — a speech characterized by comprehensive knowledge of the subject, by logical acuteness, and by Spartan intrepidity in the chastisement of iniquity, for which he has wellnigh lost his life at the brutal and cowardly hands of the creature for which (thanks to the rarity of its appearance) the English tongue has as yet no appropriate name, — we deem it alike a privilege and an honor to participate in offering him some suitable token of our sentiments. For this purpose we subscribe the sums set opposite our names."

Among the early signers were the venerable Josiah Quincy, Henry W. Longfellow, Jared Sparks, F. D. Huntington, R. H. Dana, Jr., Edward Everett, Edwin P. Whipple, Alexander H. Rice, Charles Hudson, Charles Francis Adams, Nathaniel B. Shurtleff, Charles A. Phelps, Amasa Walker, William Claflin, Eli Thayer, and George Bliss.

Mr. Sumner was on his bed when he heard of this purpose. He at once dictated the following letter.

WASHINGTON, June 13, 1856.

MY DEAR SIR, — The papers speak of a token planned by you, in approbation of my recent speech exposing the *Crime against Kansas*. Pardon me, if, in advance of any direct information, I say to

you frankly that I cannot allow this flattering project to proceed further.

It is enough for me that you and your generous associates approve what I said. Such sympathy and support in the cause, of which I am a humble representative, is all that I ask for myself, or am willing to accept. But the cause itself has constant claims on us all. And I trust you will not deem me too bold, if I express a desire that the contributions intended for the testimonial to me may be applied at once, and without abatement of any kind, *to the recovery and security of Freedom in Kansas.*

For this I spoke in the Senate, and I shall be proud to regard these contributions thus applied as my words hardened into deeds.

Believe me, my dear Sir, with much regard,

Very faithfully yours,

CHARLES SUMNER.

CARLOS PIERCE, Esq.

This letter was laid before a meeting of the subscribers in Mercantile Hall, with Rev. F. D. Huntington, afterwards Bishop of the Western Diocese of New York, in the chair. A contemporary newspaper records what ensued.

"A beautiful design of the testimonial which it had been proposed to offer Mr. Sumner was also submitted to the meeting. It was to have been a massive and elaborate silver vase, two feet in height, and was planned by Messrs. Bailey, Kettell, and Chapman. Upon its summit was a figure representing Charles Sumner holding his Kansas speech in his right hand. On either side were the figures of Justice and Freedom, crowning him with a wreath of laurels. A winged genius sits at his feet, and is inscribing his name on a tablet. Figures representing Victory are upon the arms of the vase, heralding the triumph of Freedom. Above the inscription to Mr. Sumner, and in the centre, was the coat of arms of Massachusetts. On the foot of the vase was the coat of arms of the nation, between masks and appropriate emblems of Liberty and Slavery.

"Although all were unwilling to abandon this favorite plan of expressing to Mr. Sumner by a substantial token their sympathy and their support, yet they were of the opinion that his letter left them no choice in the matter, and, after discussing many plans for the disposition of the funds already raised, the suggestion of Mr. Sumner was unanimously adopted by the following resolves.

"'*Resolved*, That the Secretary of this meeting be instructed to subscribe the amount of funds in his hands to aid the cause of *Freedom in Kansas*, in the name of Hon. Charles Sumner.

"'*Resolved*, That the subscribers be notified by the Secretary of the above vote, and have leave to withdraw their subscriptions.'

"The amount already subscribed is one thousand dollars, and by the action of the meeting Mr. Sumner's noble and eloquent speech has 'hardened into deeds,' for which we hope many a poor sufferer in Kansas will long have occasion to bless his memory."

The resolutions of the meeting were communicated to Mr. Sumner by the Chairman in the following letter.

"Cambridge, June 25, 1856.

"My dear Sir, — You have already been made acquainted with the earnest movement of some of your host of friends in this quarter to convey to you a tangible evidence of their profound esteem for your character, and their enthusiastic admiration of your conduct. The arrival of your generous letter stopped their proceedings. At your own request one thousand dollars will go to Kansas instead of to you.

"At the public meeting where this decision was taken, I was directed, as being Chairman, to acquaint you with the acquiescence of the subscribers to the testimonial in your wishes, and to assure you that all your motives in this act, and throughout the recent signal and portentous events, are by us fully appreciated and honored. I will not add to your fatigues, and to the crowd of communications which must be pouring in upon you, by a long communication. Your name is inseparably and nobly associated with the history of Freedom, in America and in the world, henceforth. We confide in you for the future. We thank you for the past. We supplicate, in your behalf, from the Almighty Source of Good a rapid restoration of your health and strength, and ever-increasing powers of will, of faith, of action, and of speech, in the infinite service of Humanity.

"You will believe, my dear Sir, that my personal feelings go undivided into these assurances of good-will.

"I beg you to account me, now as always,

"Your faithful friend and servant,

"F. D. Huntington.

"Hon. Charles Sumner."

The following extract from a letter of Mrs. Lydia Maria Child, the much-loved and always popular author, shows how this act was regarded at the time.

"Your letter declining the testimonial proffered by your native Commonwealth pleased me more than anything you ever did. I had previously said, 'I hope Massachusetts will express her gratitude toward him with princely magnificence, and I hope *he* will transfer the gift to Kansas: that would be morally grand on *both* sides.' And Mr. Child answered: 'Depend upon it, he *will* do it. Nothing could be more characteristic of the man.' That letter and Mr. Wilson's answer to the challenge have revived my early faith in human nature. It is impossible to calculate the salutary influence of such examples."